

**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>	<p>Civil Action No.: 1:21- cv-01284-JPB</p> <p>HEARING REQUESTED</p>

AME PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION

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 SIXTH DISTRICT OF THE AFRICAN METHODIST EPISCOPAL CHURCH, et al., Civil Action No.: 1:21- cv-01284-JPB Plaintiffs, v. HEARING BRIAN KEMP, Governor of the State of REQUESTED Georgia, in his official capacity, et al., Defendants, REPUBLICAN NATIONAL COMMITTEE, et al., Intervenor-Defendants. AME PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiffs in the above-captioned case respectfully move the Court for an Order enjoining Defendants in the above-captioned case from enforcing, until this Court renders a final judgment, (1) Ga. Code Ann. § 21-2-388(a)(5) which imposes felony penalties for ballot return assistance by assistants other than those set forth in Ga. Code Ann. §§ 21-2-385(a); and (2) those provisions of Ga. Code Ann. § 21-2-382(c)(1) that require counties to locate drop boxes inside the offices of the board of registrars or inside advance voting locations, that require that such drop boxes be closed when voting is not being conducted, and that require surveillance of such drop boxes be conducted by an individual listed in that section. For the reasons set forth in detail in Plaintiffs' accompanying Brief in Support of Plaintiffs' Motion for a Preliminary Injunction, and the evidence submitted in support thereof, Plaintiffs are likely to succeed on the merits of their claims that these provisions violate the Americans with Disabilities Act (42 U.S.C. § 12131 et seq.) and Section 504 of the Rehabilitation Act (29 U.S.C. § 794) by denying voters with disabilities equal access to Georgia's absentee voting program. Enforcing these laws during the 2024 primary, general, and any special or runoff elections would irreparably harm Plaintiffs and voters with disabilities across Georgia; this harm outweighs any harm Defendants would suffer were the Court to order the relief sought by Plaintiffs. The balance of hardships weighs in Plaintiffs' favor, and a preliminary injunction is in the public interest. This Motion raises critical issues of voting rights and disability discrimination. It implicates Congress's promise of equal access for voters with disabilities to participate in our democracy. Consequently, Plaintiffs believe that oral argument would be necessary to resolve these issues. Plaintiffs therefore request a hearing on this Motion.

Respectfully submitted, this 17th day of May, 2023. /s/ Caitlin May Caitlin May (Ga. Bar No. 602081) Sophia Lin Lakin (pro hac vice) cmay@acluga.org slakin@aclu.org Rahul Garabadu (Ga. Bar No. 553777) Davin M. Roston (pro hac vice) cgarabadu@aclu.org doston@aclu.org Jonathan Topaz (pro hac vice) cisaacson@acluga.org jtopaz@aclu.org ACLU FOUNDATION OF Dayton Campbell-Harris (pro hac vice) GEORGIA, INC. dcampbell-harris@aclu.org P.O. Box 570738 Casey Smith (pro hac vice) Atlanta, Georgia 30357 Telephone: (678) 981-5295 ACLU FOUNDATION Facsimile: (770) 303-0060 125 Broad Street, 18th Floor New York, New York 10004 Susan P. Mizner (pro hac vice) Telephone: (212) 519-7836 smizner@aclu.org Facsimile: (212) 549-2539 ACLU FOUNDATION, INC. 39 Drumm Street Brian Dimmick (pro hac vice) San Francisco, CA 94111 bdimmick@aclu.org Telephone: (415) 343-0781 ACLU FOUNDATION, INC. 915 15th Street NW Leah C. Aden (pro hac vice) Washington, D.C. 20005 laden@naacpldf.org Telephone: (202) 731-2395 John S. Cusick (pro hac vice) jcusick@naacpldf.org Debo P. Adegbile (pro hac vice) Alizaan Koorji (pro hac vice) debo.adebile@wilmerhale.com akoorji@naacpldf.org Alexandra Hiatt (pro hac vice) NAACP LEGAL DEFENSE AND alexandra.hiatt@wilmerhale.com EDUCATIONAL FUND, INC. WILMER CUTLER PICKERING 40 Rector Street, 5th Floor HALE AND DORR LLP New York, New York 10006-250 Greenwich Street Telephone: (212) 965-2200 New York, New York 10007 Facsimile: (212) 226-7592 Telephone: (212) 230-8800 Facsimile: (212) 230-8888 Anuja Thatte (pro hac vice) athatte@naacpldf.org George P. Varghese (pro hac vice) NAACP LEGAL DEFENSE AND george.varghese@wilmerhale.com EDUCATION FUND, INC. Stephanie Lin (pro hac vice) 700 14th Street, NW stephanie.lin@wilmerhale.com Washington, DC 20005 Mikayla C. Foster (pro hac vice) Telephone: (202) 682-1300 mikayla.foster@wilmerhale.com Arjun Jaikumar (pro hac vice) Tania Faransso (pro hac vice) arjun.jaikumar@wilmerhale.com tania.faransso@wilmerhale.com Sofia Brooks (pro hac vice) WILMER CUTLER PICKERING sophie.brooks@wilmerhale.com HALE AND DORR LLP Lucas Fortier (pro hac vice) 2100 Pennsylvania Ave. NW lucas.fortier@wilmerhale.com Washington, D.C. 20037 WILMER CUTLER PICKERING Telephone: (202) 663-6000 HALE AND DORR LLP Facsimile: (202) 663-6363 60 State Street Boston, Massachusetts 02109 Nana Wilberforce (pro hac vice) Telephone: (617) 526-6000 nana.wilberforce@wilmerhale.com Facsimile: (617) 526-5000 WILMER CUTLER PICKERING HALE AND DORR LLP Attorneys for Plaintiffs Sixth District of 350 South Grand Avenue, Suite 2400 the African Methodist Episcopal Los Angeles, California 90071 Church, Delta Sigma Theta Sorority, Telephone: (213) 443-5300 Georgia ADAPT, Georgia Advocacy Facsimile: (213) 443-5400 Office, and Southern Christian Leadership Conference * Pro hac vice forthcoming. 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. 5.4, using font type of Times New Roman and a point size of 14. Dated: May 17, 2023 /s/ Caitlin May Caitlin May Counsel for Plaintiffs CERTIFICATE OF SERVICE I hereby certify that on May 17, 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: May 17, 2023 /s/ Caitlin May Caitlin May Counsel for Plaintiffs

irreparably harm Plaintiffs and voters with disabilities across Georgia; this harm outweighs any harm Defendants would suffer were the Court to order the relief

sought by Plaintiffs; the balance of hardships weighs in Plaintiffs' favor; and a preliminary injunction is in the public interest.

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CERTIFICATE OF COMPLIANCE

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Dated: May 17, 2023

/s/ Caitlin May

Caitlin May

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on May 17, 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: May 17, 2023

/s/ Caitlin May

Caitlin May

Counsel for Plaintiffs

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**AME PLAINTIFFS' BRIEF IN SUPPORT OF MOTION FOR A
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ATTORNEY GENERAL OPINIONS

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INTRODUCTION

Georgia voters with disabilities rely heavily and disproportionately on absentee voting. Some voters with disabilities have no accessible transportation to the polls. For some, standing in line to vote in person is too strenuous. And for many, simply leaving the house is an extraordinary effort. But Senate Bill 202 (enrolled Mar. 25, 2021) (“S.B. 202”) made absentee voting less accessible to Georgians with disabilities in two key ways. First, S.B. 202 adds felony penalties to a state law that purports to prohibit anyone from returning an absentee ballot for a voter with disabilities unless that person is a family or household member or the voter’s “caregiver,” a term that is undefined in the statute. S.B. 202 makes this assistance a felony even though prior state legal guidance confirms that federal law allows voters with disabilities to choose their assistors, with narrow exceptions. Second, S.B. 202 requires counties to both move absentee ballot drop boxes from outdoor locations to less accessible inside locations, and also restrict their hours of operation.

These S.B. 202 provisions violate the Americans with Disabilities Act (“ADA”) and Section 504 of the Rehabilitation Act of 1973 (“Section 504”) by unjustly burdening—and in some cases completely disenfranchising—Georgians with disabilities and denying them full and equal opportunity to access and participate in the State’s absentee voting program. By imposing felony penalties on

help from, for example, friends, neighbors, or institutional staff, Defendants make the absentee voting program less accessible—and sometimes entirely inaccessible—to thousands of voters with disabilities who depend on others for assistance to return a ballot. By mandating that counties place drop boxes inside buildings and restricting their availability to certain times, Defendants make absentee voting an onerous ordeal for some voters with disabilities and completely impossible for others.

Plaintiffs move for a preliminary injunction to ensure these provisions do not deny voters with disabilities equal access to Georgia’s absentee voting program in the 2024 elections. Plaintiffs’ request is simple: that the Court return Georgia’s absentee voting program to the pre-S.B. 202 status quo for these two challenged provisions. Such an order would protect disabled voters from irreparable harm, promote the public interest, and pose minimal, if any, burdens to Defendants.

STATEMENT OF FACTS

Citizens with disabilities in Georgia and nationwide face “myriad barriers” to accessing the ballot. Ex. 1 (Expert Report of Dr. Lisa A. Schur (“Schur”) 3, 13, 24-26). Georgia voters include people with a range of disabilities, including older adults¹ with physical impairments such as arthritis and other mobility difficulties; as

¹ In Georgia, the disability rate climbs dramatically with age, from 8% of the population among those ages 18-34 to 26.4% among those ages 65-74, 43.7% among those ages 75-84, and 70.5% among those ages 85 or older. Ex. 1 (Schur 16, 55).

well as people with blindness and deafness; cerebral palsy; and intellectual, developmental, and mental disabilities. *See, e.g.*, Ex. 2 (Decl. of Empish Thomas (“Thomas”) ¶¶ 4-5); Ex. 3 (Decl. of Patricia Chicoine (“Chicoine”) ¶ 3); Ex. 4 (Decl. of Shannon Mattox (“Mattox”) ¶¶ 5, 21(a)); Ex. 5A (Decl. of Devon Orland (“Orland”) ¶ 6); Ex. 6 (Decl. of Matt Hargroves (“Hargroves”) ¶ 5); Ex. 7 (Decl. of Suzanne “Zan” Thornton (“Thornton”) ¶¶ 8-9). These voters face voting barriers, including difficulty leaving the home, lacking accessible transportation, a need for assistance, and high rates of poverty, social isolation, and stigma. Ex. 1 (Schur 13-14). Voting in person is particularly burdensome. Even if disabled citizens are able to overcome difficulties leaving the house, they may not be able to stand in line at the polls, potentially for hours and without the ability to receive food and water from others (which S.B. 202’s line relief ban prohibits). And people with disabilities frequently face accessibility obstacles at polls. *Id.* 26-33. Because of these obstacles, in 2020, the voter turnout rate of eligible Georgians with disabilities was almost four percent less than that of eligible nondisabled voters. *Id.* 24. This turnout gap means that 28,600 Georgians with disabilities who were eligible to vote—more than the margin of victory in many significant elections—did not cast a ballot. *See id.*

Because of the many barriers to voting in person, access to absentee voting is particularly important for Georgia voters with disabilities. Indeed, disabled voters

rely upon absentee voting in much greater proportion than the rest of the voting population. Ex. 1 (Schur 27). Even in 2016—before the COVID-19 pandemic introduced new risks associated with in-person voting—Georgia voters with disabilities were more than twice as likely as nondisabled voters to use absentee voting. *Id.* More than half of voters nationwide with mobility, hearing, cognitive, or vision impairments, and almost two-thirds of voters who have difficulty bathing or dressing independently or going outside alone, voted by mail in 2020. *Id.* 61.

When using absentee voting, many citizens with disabilities need assistance applying for, completing, sealing, and/or returning their ballots. Ex. 1 (Schur 61). Among citizens who voted by mail in 2020, 10.5% of voters with disabilities required assistance in doing so, compared to 1.1% of voters without disabilities. *Id.* 36. That assistance will often be needed from non-family members: as a reference, an estimated 168,800 voting-eligible Georgians with disabilities rely on friends, neighbors, and other non-relatives for assistance in their daily lives. *Id.* 5, 40. In 2020, 14% of Georgia voters with disabilities who needed assistance with mail ballots received help from such individuals. *Id.* 36.

In addition, being able to return their ballots using drop boxes affords disabled voters the same opportunity to return their ballots closer to Election Day as nondisabled voters can, offers the assurance of knowing that their ballots have been

received without the uncertainties and expense of U.S. mail, and enables them to avoid the burden and risk of in-person voting. *E.g.*, Ex. 8 (Decl. of Wendell Halsell (“Halsell”) ¶ 7); Ex. 3 (Chicoine ¶¶ 3-5). Close to one-sixth of voters with disabilities in the United States used a drop box in 2020. Ex. 1 (Schur 46).

Despite the importance of absentee voting and voting assistance to disabled voters, S.B. 202 Section 47 (the “felony provision”) makes it a felony to assist voters with disabilities in returning their absentee ballots unless the assistor is a designated family or household member, or a “caregiver.” Ga. Code Ann. §§ 21-2-568(a)(5), 21-2-385(a). The statute does not define the term “caregiver,” and State Defendants have given no guidance on, or definition of, the term. *See* Ex. 9 (Georgia Secretary of State’s Office (“SOS”) Dep. 195:8-198:12, 200:11-201:6).²

The felony provision, along with the lack of clarity as to who is authorized as a “caregiver,” chills potential assistors from returning ballots and deters voters from asking them to do so. Ex. 4 (Mattox ¶ 21(a)); Ex. 5A (Orland ¶¶ 24-25); Ex. 6 (Hargroves ¶¶ 7-14). And it requires many Georgia voters with disabilities to endure additional burdens to find an assistor. These burdens can include asking family

² *See also* Ex. 10 (Hall Cnty. Bd. of Elections and Registration (“Hall”) Dep. 155:3-22, 157:7-10); Ex. 11 (Columbia Cnty. Bd. of Elections (“Columbia”) Dep. 161:10-17); Ex. 12 (DeKalb Cnty. Bd. of Elections (“DeKalb”) Dep. 226:7-229:6); Ex. 13 (Marie Frances Watson (“Watson”) Dep. 183:6-15).

members to travel or miss work to return their ballots, relying on someone they do not trust, or needing to ask a favor of a family member with whom they are not in close contact. Consequently, some voters with disabilities are shut out of the absentee voting program or prevented from voting altogether. *See, e.g.*, Ex. 6 (Hargroves ¶¶ 7-14); Ex. 2 (Thomas ¶¶ 10-16 (describing inability to vote by absentee ballot due to lack of family member or “caregiver” available)); Ex. 4 (Mattox ¶ 21(a)); Ex. 14B (Suzanne “Zan” Thornton (“Thornton”) Dep. Day 2 40:5-23). Voters with disabilities even avoid asking clearly eligible assistors—such as family members—to assist because of confusion and fear of felony prosecution. Ex. 8 (Halsell ¶ 8). Importantly, the fear of felony penalty under this state law also deters nursing facility workers, homeless shelter staff, and personal assistants, among others, from assisting—even though federal law permits all of these individuals to assist voters with disabilities. *See, e.g.*, Ex. 4 (Mattox ¶¶ 16, 21(a)); Ex. 5A (Orland ¶¶ 24-25); Ex. 6 (Hargroves ¶¶ 7-14); Ex. 2 (Thomas ¶ 14); *see infra* at 15-16.

For example:

- A member of The Arc, an individual with cerebral palsy who lives in a nursing facility and relies on assistance for daily activities such as dressing, bathing, and leaving the facility, cannot vote in person and therefore relies on absentee voting. Ex. 4 (Mattox ¶ 21(a)). Due to the felony provision, he is unsure whether facility staff will be willing to assist him in mailing his ballot. *Id.* Without this assistance from facility staff, he will not be able to vote. *Id.*

- Matt Hargroves, a worker at a homeless shelter, is unsure whether shelter staff qualify as “caregivers”; the shelter staff have not aided with ballot return since S.B. 202 added the felony provision. Ex. 6 (Hargroves ¶ 11). Many individuals with disabilities living at the shelter have no one else available to assist with voting. *Id.* ¶¶ 12-14.
- For Empish Thomas, a voter who is completely blind, absentee voting is now entirely inaccessible because she has no family members or caregivers to return her ballot and believes she would be asking someone to commit a crime if she sought help elsewhere. Ex. 2 (Thomas ¶¶ 5, 9, 11-16). She has no way to know whether her personal assistant, who occasionally helps her with day-to-day tasks, counts as a “caregiver” under the felony provision. *Id.* ¶ 15. To vote in 2022, Ms. Thomas had to vote in person but faced several obstacles when doing so: In November 2022, poll workers denied her assistance. In December 2022, she had to travel 45 minutes to an hour on the bus to an early voting location. *Id.* ¶¶ 24-27, 37-38.

S.B. 202 Section 26 (the “drop box restrictions”) restricts drop boxes—which before S.B. 202 were typically located outdoors and made accessible 24 hours a day—in two key ways: (1) requiring that they be located indoors at an election office or early voting location (with exceptions only in declared emergencies), and (2) limiting their hours of operation to those locations’ business hours. Ga. Code Ann. § 21-2-382(c)(1). For many citizens with disabilities, these restrictions render drop boxes difficult to impossible to use. In turn, this interferes with their access to absentee voting. In 2022, some voters with disabilities arrived at drop box locations but could not physically access them because they had been moved indoors. *E.g.*, Ex. 15 (Athens-Clarke Cnty. Bd. of Elections and Voter Registration (“Athens-

Clarke”) Dep. 124:6-17); Ex. 10 (Hall Dep. 65:22-66:11, 68:8-12, 70:6-18, 132:9-16, 151:23-153:6); Ex. 5A (Orland ¶ 17). For instance:

- Patricia Chicoine, a voter who has difficulty walking and standing for long periods of time, was forced to navigate an extremely long hall to access a drop box located opposite the building’s entrance in October 2021. The hallway had no handrails, so she had to hold onto chairs and desks and take many breaks. Ex. 3 (Chicoine ¶¶ 5-10). In all, it took Ms. Chicoine well over an hour to access the drop box. Because of those burdens, she opted to vote in person in May and November 2022, enduring the difficulty of standing in line for approximately 20 minutes because poll workers did not offer that she skip the line. *Id.* ¶¶ 10-12.
- Wendell Halsell, a voter who has lost use of his right leg and experiences difficulty standing, breathing, and walking, voted via drop box in 2022. The process of entering the building to drop off his ballot was exhausting and he had to stop to take multiple breaks to rest. Ex. 8 (Halsell ¶¶ 8-10).
- A Georgia Advocacy Office (“GAO”) constituent went to a drop box location, but was unable to reach the drop box. While he can ambulate about 10 yards, the indoor drop box was farther away than that. Ex. 5A (Orland ¶ 17). He was refused help from poll workers with dropping his ballot in the box. *Id.*

Restricting drop boxes to certain hours also limits their accessibility to disabled voters, who face transportation difficulties and disproportionately need rides from others or public transportation or paratransit services to reach drop boxes.³ Ex. 1 (Schur 21-23). The added flexibility of being able to use a drop box in the evening or on the weekend makes it easier to use these transportation methods,

³ Also, people with disabilities are two to three times more likely to have to travel an hour or more to access a drop box than those without disabilities. Ex. 16 (Chatman ¶¶ 29-30, 32, 35-37).

which are often unreliable or unavailable. *See, e.g.*, Ex. 16 (Expert Report of Dr. Daniel G. Chatman (“Chatman”) ¶¶ 2-3, 27-29, 35-38); Ex. 2 (Thomas ¶ 18).

Plaintiff organizations GAO, ADAPT, and The Arc—which represent Georgians with disabilities seeking full political participation and vindication of their rights to equal access to Georgia’s voting programs—rallied to support voters with disabilities in the wake of S.B. 202’s passage. Ex. 7 (Thornton ¶ 5); Ex. 5A (Orland ¶ 9); Ex. 4 (Mattox ¶¶ 7-10). Among other measures, ADAPT drove to the polls an increased number of voters who found absentee voting inaccessible; GAO helped voters with disabilities understand and comply with the new restrictions; and The Arc conducted trainings and outreach among its members. Doing so took resources away from their other disability rights work, like supporting disabled individuals in accessing Medicaid services, reducing the institutionalization of people with disabilities, and investigating conditions in nursing homes. Ex. 7 (Thornton ¶¶ 11-26); Ex. 5A (Orland ¶¶ 19, 27); Ex. 4 (Mattox ¶¶ 18-20).

ARGUMENT

I. Preliminary Injunction Standard

A preliminary injunction issues when the moving party demonstrates: (1) a likelihood of success on the merits; (2) irreparable injury absent an injunction; (3) injury to the movant that outweighs whatever damage the proposed injunction might

cause the non-moving party; and (4) the injunction would not be adverse to the public interest. *L.E. ex rel. Cavorley v. Superintendent of Cobb Cnty. Sch. Dist.*, 55 F.4th 1296, 1299 (11th Cir. 2022). Each factor decisively favors an injunction here.

II. Plaintiffs Are Likely to Succeed on the Merits of Their ADA and Section 504 Claims.

Plaintiffs have a substantial likelihood of success on the merits of their ADA and Section 504 claims challenging (1) the felony provision and (2) the drop box restrictions. Both provisions deny Georgians with disabilities an equal opportunity to participate in or benefit from the absentee voting program.

Title II of the ADA (“Title II”) provides that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.” 42 U.S.C. § 12132.⁴ “Congress

⁴ Section 504 similarly provides that “[n]o otherwise qualified individual with a disability in the United States ... shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance,” which Defendants do. 29 U.S.C. § 794(a); *see also* Ex. 9 (SOS Dep. 111:1-114:20, 213:9-13); Ex. 17 (Joseph Blake Evans (“Evans”) Dep. 215:9-24). Because “ADA and Section 504 claims are governed by the same legal standard,” Plaintiffs focus their analysis on their ADA claims for simplicity. *L.E. ex rel. Cavorley*, 55 F.4th at 1301 n.2; *see also Nat’l Fed’n of the Blind v. Lamone*, 813 F.3d 494, 502 n.4 (4th Cir. 2016) (analysis under Title II and Section 504 are “substantially the same” and may be combined).

enacted Title II against a backdrop of pervasive unequal treatment in the administration of state services and programs, including systematic deprivations of fundamental rights” such as voting. *Tennessee v. Lane*, 541 U.S. 509, 524 (2004). The ADA applies to voting services, programs, or activities because “[v]oting is a quintessential public activity.” *Nat’l Fed’n of the Blind v. Lamone* (“NFB”), 813 F.3d 494, 507 (4th Cir. 2016) (citing *Lane*, 541 U.S. at 516); *see also* 42 U.S.C. § 12101(a)(3) (“[D]iscrimination against individuals with disabilities persists in such critical areas as . . . voting[.]”); Order on Motion to Dismiss (“Order”), ECF No. 110 35-36 (allegations of restricted access to absentee voting programs sufficed to state an ADA claim).

Under the ADA, exclusions from participation in or denial of the benefits of a public entity’s services, programs, or activities need not be absolute. The ADA is violated when a disabled person cannot readily access the program, service, or benefit at issue. *See* Order 36 (“Plaintiffs need not show that the voting access allegedly denied here is absolute.”). Plaintiffs also need not show discriminatory intent. *See, e.g., NFB*, 813 F.3d at 510. Indeed, courts have long recognized that disability discrimination is seldom intentional, but “most often the product, not of invidious animus, but rather of thoughtlessness and indifference—of benign neglect.” *Alexander v. Choate*, 469 U.S. 287, 295 (1985).

To establish a Title II violation, Plaintiffs must demonstrate:

(1) that [their members or constituents] [are] qualified individual[s] with ... disabilit[ies]; (2) that [they] w[ere] either excluded from participation in or denied the benefits of a public entity's services, programs, activities, or otherwise discriminated against by the public entity; and (3) that the exclusion, denial of benefit, or discrimination was by reason of the[ir] disabilit[ies].

Karantsalis v. City of Miami Springs, 17 F.4th 1316, 1322 (11th Cir. 2021) (per curiam) (citations omitted). Plaintiffs meet all three elements. First, Plaintiffs' members or constituents are people with disabilities because they have "impairment[s] that substantially limit" their "major life activities." 28 C.F.R. § 35.108(a)(1)(i); *see also, e.g.*, Ex. 2 (Thomas ¶¶ 4-5); Ex. 3 (Chicoine ¶¶ 3); Ex. 4 (Mattox ¶¶ 5, 20); Ex. 5A (Orland ¶ 6); Ex. 7 (Thornton ¶¶ 8-9). These individuals are also "qualified" because they meet the essential eligibility requirements to participate in the State's absentee voting program—*i.e.*, they are registered to vote in Georgia. 28 C.F.R. § 35.104; 42 U.S.C. § 12131(2); *see also, e.g.*, Ex. 2 (Thomas ¶ 1); Ex. 3 (Chicoine ¶ 1); Ex. 4 (Mattox ¶¶ 9, 12, 18, 21(a)); Ex. 18 (Decl. of Jacqueline Wiley ("Wiley") ¶¶ 1-3, 6-10); Ex. 5A (Orland ¶¶ 6-7, 9).

Second, Plaintiffs' members or constituents have been and will continue to be excluded from or denied "an [equal] opportunity to participate in or benefit from the aid, benefit, or service" of absentee voting by a public entity. 28 C.F.R. § 35.130(b)(1)(ii). Equal access is denied "when a disabled person cannot readily

access the program, service, or benefit at issue.”⁵ *People First of Ala. v. Merrill*, 491 F. Supp. 3d 1076, 1155 (N.D. Ala. 2020). Defendants are public entities under the ADA responsible for administering Georgia’s elections and ensuring equal access to voters with disabilities. *See* 42 U.S.C. § 12131(1)(A). Absentee voting is the relevant “service, program, or activity” the Court must analyze for equal accessibility. *See, e.g., NFB*, 813 F.3d at 503-05; *People First*, 491 F. Supp. 3d at 1158-59; *see also* Order at 36. As discussed below, the felony provision and drop box restrictions deny voters with disabilities equal access to the absentee voting program.

Finally, Plaintiffs’ exclusion from, denial of the benefits of, or discrimination in Georgia’s absentee voting program is due to their disabilities, as discussed below. *People First*, 491 F. Supp. 3d at 1155.

A. S.B. 202’s Felony Provision Denies Equal Access to Disabled Voters.

S.B. 202 makes it a felony for people not permitted to provide assistance under the state statute—such as neighbors, friends, or nursing facility staff—to assist a person with a disability in casting an absentee ballot. Ga. Code Ann. §§ 21-2-568(a)(5), 21-2-385(a). For disabled voters who need this help, adding felony

⁵ Some courts use the language “meaningful access” to a service, program, or activity in discussing the standard for a Title II violation. *See, e.g., NFB*, 813 F.3d at 504, 507. To the extent that “meaningful access” imposes a different standard than “equal access” or “readily accessible,” the challenged provisions of S.B. 202 violate Title II under either standard.

consequences to such assistance unlawfully denies them equal access to absentee voting. Laws preventing or restricting individuals with disabilities from accessing needed assistance in absentee voting—like S.B. 202’s felony provision—violate Title II. In *Democracy North Carolina v. North Carolina State Board of Elections*, the court issued an injunction under the ADA against a state law that prohibited nursing home employees from assisting disabled voters in completing or returning absentee ballots. 476 F. Supp. 3d 158, 231-32, 238 (M.D.N.C. 2020). Similarly, in *American Council of the Blind of Indiana v. Indiana Election Commission*, the court enjoined a state law that restricted who could assist disabled voters in completing and returning their absentee ballots because it violated the ADA and the Rehabilitation Act. 2022 WL 702257, at *8, *11 (S.D. Ind. Mar. 9, 2022).

In Georgia, multiple voters with disabilities have reported that the felony provision interfered with—or denied them—access to absentee voting. Some voters needed, but could not find, an eligible assistor willing to return their absentee ballots. They were denied access to absentee voting altogether. *See, e.g.*, Ex. 2 (Thomas ¶¶ 9-16); Ex. 6 (Hargroves ¶¶ 5, 10-14); Ex. 19 (Devon Orland Christopher (“Orland”) Dep. 161:25-162:11); Ex. 14B (Thornton Dep. Day 2 40:5-23). This was especially true for people who must rely on help from institutional staff or neighbors, who may not be a “caregiver” under the statute’s vague, undefined term. *See* Ex. 2

(Thomas ¶¶ 9-16); Ex. 6 (Hargroves ¶¶ 5, 10-14); Ex. 4 (Mattox ¶ 21(a)); Ex. 19 (Orland Dep. 161:25-162:11). Other voters could find people to help under S.B. 202’s restrictions, but only by incurring additional and unreasonable burdens, such as asking people they do not trust to assist, or asking family members to travel long distances just to return their ballots. *See, e.g.*, Ex. 2 (Thomas ¶¶ 10-16). Further, the State’s failure to define “caregiver” sows confusion and fear among would-be assistors and the voters who want to ask for their assistance. *Supra* pp. 5-7. The risk of prosecution chills eligible, willing assistors and harms voters who need assistance. Ex. 5A (Orland ¶¶ 21-25).

Remarkably, the felony provision penalizes actions that federal law explicitly protects. Section 208 of the Voting Rights Act (“VRA”) provides that voters “who require[] assistance to vote by reason of blindness, disability, or inability to read or write *may be given assistance by a person of the voter[s’] choice*, other than the voter[s’] employer or agent of that employer or officer or agent of the voter[s’] union.” 52 U.S.C. § 10508 (emphasis added). The Georgia Attorney General has concluded that Section 208 supersedes state ballot return assistance restrictions.⁶

⁶ *See* 2016 Ga. Op. Att’y Gen. 02 (2016) (finding similar restrictions on who may assist a voter with a disability in Georgia law “cannot be construed to prevent voters from receiving assistance, including assistance in mailing or delivering an absentee ballot, from anyone of their choosing and not otherwise prohibited by Section 208”);

Imposing felony penalties on assistors who are not family, household members, or “caregivers” denies many voters with disabilities their rights under federal law to choose those they most trust to provide assistance. *E.g.*, Ex. 2 (Thomas ¶¶ 9-16); Ex. 6 (Hargroves ¶¶ 5, 10-14); Ex. 4 (Mattox ¶ 21(a)).

B. S.B. 202’s Drop Box Restrictions Deny Equal Access to Disabled Voters.

S.B. 202 limits drop boxes to indoor locations and limits the hours during which drop boxes are available. This is no mere inconvenience for voters with mobility or sensory disabilities, many of whom can no longer access drop boxes. The restriction denies disabled voters equal access to drop boxes and absentee voting on the basis of their disabilities in violation of Title II and Section 504.

Disabled voters who could previously return their ballots to outdoor drop boxes now find it difficult or impossible to physically get to these indoor drop boxes. *See, e.g.*, Ex. 8 (Halsell ¶¶ 8-10); Ex. 3 (Chicoine ¶¶ 5-10); Ex. 18 (Wiley ¶¶ 2, 8-10); Ex. 5A (Orland ¶¶ 17, 26); Ex. 15 (Athens-Clarke Dep. 124:6-17); Ex. 10 (Hall Dep. 65:22-66:11, 68:8-12, 70:6-18, 132:9-16, 151:23-153:6). And the reduced hours of operation, combined with S.B. 202’s limit on the number of drop boxes per county, make absentee voting via drop box difficult or impossible to access for many

1984 Ga. Op. Att’y Gen. 34 (1984) (finding Section 208 takes precedence over other state law provisions as to voting assistance).

disabled voters who face transportation barriers. *See, e.g.*, Ex. 16 (Chatman ¶¶ 7, 38); Ex. 1 (Schur 5, 33-34, 46-47); Ex. 5A (Orland ¶¶ 17, 26); Ex. 2 (Thomas ¶¶ 5-6, 17-18, 21-22, 24, 37-39); Ex. 3 (Chicoine ¶¶ 4-6, 10-13); Ex. 18 (Wiley ¶¶ 2, 8-10).⁷ Returning absentee ballots via mail is an insufficient alternative to the drop box program as it reduces the time and certainty available to voters with disabilities as opposed to nondisabled voters, as discussed *supra* pp. 4-5.

The increased time and/or burden needed to access a program or service violates Title II, even if individuals with disabilities were ultimately able to access or use the program or service. In *Shotz v. Cates*, for example, the Eleventh Circuit held that plaintiffs stated an ADA claim where a courthouse’s wheelchair ramps and bathrooms impeded their ability to attend trials, even though they were ultimately able to “manage[] in some fashion to attend the trial.” 256 F.3d 1077, 1080 (11th Cir. 2001); *see also D.R. ex rel. Courtney R. v. Antelope Valley Union High Sch. Dist.*, 746 F. Supp. 2d 1132, 1137-38, 1145-46 (C.D. Cal. 2010) (student was likely to succeed on ADA claims challenging the school’s denial of her request for an elevator key, making her frequently miss class time and restricting access to the library and other functions on the second floor); *Civic Ass’n of the Deaf of N.Y.C.*,

⁷ *See also* Ex. 14A-B (Thornton Dep. Day 1 28:7-21, 89:7-14, 108:13-110:10, 113:2-17, Day 2 10:16-11:3, 19:9-15, 33:2-34:17, 40:5-23); Ex. 20 (Shannon Mattox (“Mattox”) Dep. 90:23-91:11).

Inc. v. Giuliani, 915 F. Supp. 622, 635-37 (S.D.N.Y. 1996) (plan to replace emergency street alarm boxes with notification systems inaccessible to the deaf violated Title II because it denied those individuals the ability to report emergencies *from the street* specifically).

C. Plaintiffs’ Proposed Modifications Are Reasonable and Necessary, and Impose No Undue Financial or Administrative Burden.

Plaintiffs’ proposed relief—to return to the status quo ante for two S.B. 202 provisions—is reasonable. “A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability[.]” 28 C.F.R. § 35.130(b)(7)(i). A proposed modification is reasonable if it would not impose an undue financial or administrative burden. *See, e.g., People First*, 491 F. Supp. 3d at 1155. The burden of showing that a modification is reasonable is not “heavy.” Rather, “[i]t is enough for the plaintiff[s] to suggest the existence of a plausible accommodation, the costs of which, facially, do not clearly exceed its benefits.” *Id.* (alterations in original) (internal quotation marks omitted); *see also NFB*, 813 F.3d at 507-08.

First, enjoining enforcement of the felony provision is a reasonable modification necessary to prevent discrimination against Georgia voters with disabilities. Previously, Georgia correctly interpreted state and federal law, determining that Section 208 of the VRA “takes precedence” over the more

restrictive state law and allows voters with disabilities to obtain assistance from the person of their choice to return their absentee ballots.⁸ Removing the felony penalty would simply prevent the State from imposing felony penalties on behavior that is already explicitly allowed by federal law. An accommodation to comply with federal law is reasonable under the ADA. *Cf. Carey v. Wis. Elections Comm’n*, 2022 WL 3910457, at *2 (W.D. Wis. Aug. 31, 2022) (“Voters shouldn’t have to choose between exercising their federal rights and complying with state law.”). The change would require no administrative burden, as Defendants admit. Ex. 17 (Evans Dep. 228:4-12 (Elections Director in SOS’s Office testifying that he was unaware of any changes the office would need to make if the felony provision were removed)); Ex. 15 (Athens-Clarke Dep. 127:19-128:4 (“very minimal changes” would be required if felony provision were removed)).

Second, enjoining the requirements that drop boxes be located inside an election office or early voting location and accessible only during the office’s

⁸ See *supra* pp. 15-16; Ex. 5A (Orland ¶¶ 21-24); see also, e.g., *Carey v. Wis. Elections Comm’n*, 2022 WL 3910457, at *9 (W.D. Wis. Aug. 31, 2022) (concluding that “the VRA requires that plaintiffs be allowed to choose a person to assist them with mailing or delivering their absentee ballot,” and that the VRA preempted a state law prohibiting voters with disabilities from receiving such assistance); *Disability Rts. N.C. v. N.C. State Bd. of Elections*, 2022 WL 2678884, at *6 (E.D.N.C. July 11, 2022) (concluding that VRA preempted statute that “impermissibly narrows the right to assistance by a person of the voter’s choice by prohibiting the mailing or delivery of a voter’s ballot by anyone except a near relative or legal guardian”).

business hours is a reasonable modification that ensures Georgia voters with disabilities have equal access to an important component of absentee voting. *See, e.g.,* Ex. 21 (Robert Gabriel Sterling (“Sterling”) Dep. 157:16-158:19 (Chief Operating Officer in SOS’s Office testifying that “the whole point of the drop box is to have it outside”)). This, too, would require no undue burden, as Defendants likewise admit. *Id.* 72:2-73:20, 162:8-11, 223:3-7 (pre-S.B. 202 drop boxes were secure); Ex. 10 (Hall Dep. 69:16-22, 72:6-12 (same)); Ex. 15 (Athens-Clarke Dep. 114:23-116:11, 121:9-122:21 (same)); *id.* 123:5-17 (would take only “about two days” to return drop boxes to pre-S.B. 202 locations).

The fact that the State has already successfully administered elections without the felony provision in place and while permitting drop boxes to be located outside and accessible 24 hours a day shows that these modifications are plausible and not unduly burdensome. *See, e.g., NFB*, 813 F.3d at 507-08 (proposed voting modification was reasonable where previously implemented). Moreover, courts find that general, program-wide accommodations like the ones proposed are reasonable and appropriate for Title II violations. *See, e.g., id.* at 507-10 (implementing online ballot marking tool for voters with disabilities); *People First*, 491 F. Supp. 3d at 1161-62 (lifting ban on curbside voting); *Am. Council of Blind of Ind.*, 2022 WL 702257, at *8, *11 (lifting prohibition on voters with disabilities completing and

returning absentee ballots with assistance from an individual of their choice).

Accordingly, Plaintiffs demonstrate a substantial likelihood of success on the merits of their challenge to S.B. 202’s felony provision and drop box restrictions.

III. THE REMAINING PRELIMINARY INJUNCTION FACTORS WEIGH HEAVILY IN FAVOR OF PLAINTIFFS

A. Plaintiffs and Their Constituents and Members Are Likely to Suffer Irreparable Harm Absent Preliminary Relief.

Plaintiffs risk irreparable harm absent an injunction, as do their constituents and members. An injury is “irreparable” where “it cannot be undone through monetary remedies.” *Cunningham v. Adams*, 808 F.2d 815, 821 (11th Cir. 1987). “[W]hen a defendant violates a civil rights statute, such as the ADA, irreparable injury is presumed.” *Bartell v. Grifols Shared Servs. NA, Inc.*, 618 F. Supp. 3d 275, 289 (M.D.N.C. 2022). It is “well-settled that an infringement on the fundamental right to vote amounts in an irreparable injury.” *New Ga. Project v. Raffensperger*, 484 F. Supp. 3d 1265, 1306 (N.D. Ga. 2020).

The provisions at issue threaten Plaintiffs’ members’ and constituents’ rights to vote in the 2024 elections on account of their disabilities. *See, e.g.*, Ex. 4 (Mattox ¶ 21(a)); Ex. 6 (Hargroves ¶ 14). The loss of the right to vote is quintessential irreparable harm because “[o]nce the election occurs, there can be no do-over and no redress.” *Ga. State Conf. NAACP v. Georgia*, 2017 WL 9435558, at *4 (N.D. Ga.

May 4, 2017); *see also Fla. Democratic Party v. Scott*, 215 F. Supp. 3d 1250, 1258 (N.D. Fla. 2016). The burdens that disabled voters will bear absent an injunction, even if they ultimately find a way to vote, also constitute irreparable harm. *See Westchester Disabled on the Move, Inc. v. Cnty. of Westchester*, 346 F. Supp. 2d 473, 477-78 (S.D.N.Y. 2004) (denying disabled voters access to in-person voting “den[ies] them as much time as other voters to consider their choice” of candidate and requires them to undergo extra steps to vote absentee that create “hassle”). Irreparable harm exists where, as here, voting is so burdensome for citizens with disabilities that they may be “dissuaded from attempting to vote at all.” *Id.*; *see also* Ex. 1 (Schur 25-26, 45 (accessibility obstacles faced by disabled voters discourage voting)). As discussed in Section II, *supra*, S.B. 202 imposes unique barriers to absentee voting for voters with disabilities that others are spared, and those harms cannot be remedied.

Plaintiffs face three main types of irreparable harm. First, the harms to Plaintiffs’ members or constituents constitute irreparable harm to the organizations. *See Common Cause Ga. v. Kemp*, 347 F. Supp. 3d 1270, 1295 (N.D. Ga. 2018) (harm to voting organizations is “coterminous with the harms suffered by its citizen members”); *see also Democracy N.C.*, 476 F. Supp. 3d at 236-37 (similar); *supra* p. 9 (describing Plaintiffs’ organizational interest in voting).

Second, Plaintiffs have diverted resources to respond to the felony provision and drop box restrictions, including by helping voters go to the polls where absentee voting is no longer accessible, and by advising them as to the assistors they are allowed to use. *Supra* p. 9 (describing how Plaintiffs redid voter education materials and educate voters about new restrictions). As a result, Plaintiffs gave up time-sensitive opportunities that are lost forever, such as advocating for improved benefits programs and conditions in long-term care during a legislative session, advocating for time-sensitive needs for care, or investigating real-time allegations of abuse. Ex. 7 (Thornton ¶ 25); Ex. 4 (Mattox ¶ 22); Ex. 5A (Orland ¶ 27). Such diversion of resources constitutes irreparable harm. *See Ga. Coal. for People's Agenda, Inc. v. Kemp*, 347 F. Supp. 3d 1251, 1268 (N.D. Ga. 2018); *Action NC v. Strach*, 216 F. Supp. 3d 597, 643 (M.D.N.C. 2016).

Finally, ADAPT lost opportunities to assist voters because the felony provision has chilled its members from providing assistance. *See* Ex. 7 (Thornton ¶ 22 (describing organizational policy change to no longer help with absentee ballots)). Such lost opportunities to engage voters constitutes irreparable harm. *Ind. State Conf. of NAACP v. Lawson*, 326 F. Supp. 3d 646, 664 (S.D. Ind. 2018), *aff'd sub nom. Common Cause Ind. v. Lawson*, 937 F.3d 944 (7th Cir. 2019); *League of*

Women Voters of Fla. v. Browning, 863 F. Supp. 2d 1155, 1167 (N.D. Fla. 2012).⁹

B. The Balance of Hardships Weighs in Favor of Plaintiffs.

The balance of hardships weighs heavily in Plaintiffs’ favor. The hardship to Plaintiffs is severe: the potential loss of their members’ fundamental rights to vote, burdens on their members who must take extraordinary measures to vote, and inability to carry out their missions. Defendants face no hardship, as Plaintiffs seek no complex, burdensome changes to election administration. All they ask is a return to the pre-S.B. 202 status quo for two narrow provisions. *See supra* Section II.C.

Even if those changes posed a hardship to Defendants (they do not), it would be nothing more than a matter of “administrative convenience,” which cannot outweigh the fundamental right to vote. *Fla. Democratic Party*, 215 F. Supp. 3d at 1258. Plaintiffs risk losing the right to vote which is a “fundamental right and ... preservative of all other rights,” while Defendants risk only “inconvenience and [minimal] expense.” *Ga. State Conf. NAACP*, 2017 WL 9435558, at *5; *see also United States v. Georgia*, 892 F. Supp. 2d 1367, 1377 (N.D. Ga. 2012).

⁹ The fear of prosecution assistants face for assisting with voting also constitutes irreparable harm. *See Ga. Latino All. for Hum. Rts. v. Governor of Ga.*, 691 F.3d 1250, 1269 (11th Cir. 2012); *ABC Charters, Inc. v. Bronson*, 591 F. Supp. 2d 1272, 1309 (S.D. Fla. 2008).

C. A Preliminary Injunction is in the Public Interest.

Injunctive relief is necessarily in the public interest because it ensures that all citizens, including those with disabilities, have an equal opportunity to participate in Georgia's absentee voting process. *Charles H. Wesley Educ. Found., Inc. v. Cox*, 408 F.3d 1349, 1355 (11th Cir. 2005) (“[P]rotection of the Plaintiffs’ franchise-related rights is without question in the public interest.”). “By definition, the public interest favors permitting as many qualified voters to vote as possible.” *Ga. State Conf. NAACP*, 2017 WL 9435558, at *5; *see also Madera v. Detzner*, 325 F. Supp. 3d 1269, 1283 (N.D. Fla. 2018); *Obama for Am. v. Husted*, 697 F.3d 423, 436-37 (6th Cir. 2012) (“[T]he public has a strong interest in exercising the fundamental political right to vote.” (internal quotation marks and citations omitted)). By contrast, limiting citizens’ ability to cast a ballot is not in the public interest. *Cox*, 408 F.3d at 1355. Moreover, the State has no interest in defending provisions that violate federal law. *See United States v. Alabama*, 691 F.3d 1269, 1301 (11th Cir. 2012) (“Frustration of federal statutes and prerogatives are not in the public interest.”).

CONCLUSION

Plaintiffs’ motion for a preliminary injunction as to the felony provision and the drop box restrictions should be granted.

Respectfully submitted, this 17th day of May, 2023.

/s/ Caitlin May

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** Pro hac vice forthcoming*

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: May 17, 2023

/s/ Caitlin May

Caitlin May

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on May 17, 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: May 17, 2023

/s/ Caitlin May

Caitlin May

Counsel for Plaintiffs

**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

DECLARATION OF BRIAN DIMMICK
IN SUPPORT OF AME PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION

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 SIXTH DISTRICT OF THE AFRICAN METHODIST EPISCOPAL CHURCH, et al., Civil Action No.: 1:21- cv-01284-JPB Plaintiffs, v. BRIAN KEMP, Governor of the State of Georgia, in his official capacity, et al., Defendants, REPUBLICAN NATIONAL COMMITTEE, et al., Intervenor-Defendants. DECLARATION OF BRIAN DIMMICK IN SUPPORT OF AME PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION 1 I, Brian Dimmick, hereby declare as follows: 1. All facts set forth herein are based on my personal knowledge, and if called upon to testify as to the contents of this Declaration, I could and would do so. 2. I am an attorney with the ACLU Foundation and serve as counsel for Plaintiffs Sixth District of the African Methodist Episcopal Church, Delta Sigma Theta Sorority, Georgia ADAPT, and Georgia Advocacy Office in the above captioned matter. 3. Attached hereto as Exhibit 1 is a true and correct copy of the Expert Report and declaration of Dr. Lisa A. Schur dated January 13, 2023. 4. Attached hereto as Exhibit 2 is a true and correct copy of the declaration of Empish Thomas dated March 24, 2023. 5. Attached hereto as Exhibit 3 is a true and correct copy of the declaration of Patricia Chicoine dated March 21, 2023. 6. Attached hereto as Exhibit 4 is a true and correct copy of the declaration of Shannon Mattox dated April 10, 2023. 7. Attached hereto as Exhibit 5A is a true and correct copy of the declaration of Devon Orland dated May 3, 2023, along with Exhibits 5B-E accompanying that declaration. 8. Attached hereto as Exhibit 6 is a true and correct copy of the declaration of Matt Hargroves dated May 10, 2023. 9. Attached hereto as Exhibit 7 is a true and correct copy of the declaration of Suzanne "Zan" Thornton dated May 5, 2023. 10. Attached hereto as Exhibit 8 is a true and correct copy of the declaration of Wendell Halsell dated April 28, 2023. 11. Attached hereto as Exhibit 9 is a true and correct copy of excerpts of the April 13, 2023 deposition transcript of Ryan Germany as a designee of the Georgia Secretary of State's Office. 12. Attached hereto as Exhibit 10 is a true and correct copy of excerpts of the March 9, 2023 deposition transcript of the Hall County Board of Elections & Registration. 13. Attached hereto as Exhibit 11 is a true and correct copy of excerpts of the March 23, 2023 deposition transcript of the Columbia County Board of Elections. 14. Attached hereto as Exhibit 12 is a true and correct copy of excerpts of the April 5, 2023 deposition transcript of the DeKalb County Board of Elections. 15. Attached hereto as Exhibit 13 is a true and correct copy of excerpts of the March 14, 2023 deposition transcript of Marie Frances Watson. 16. Attached hereto as Exhibits 14A and B are true and correct copies of 4 excerpts of the February 20, 2023 and February 22, 2023 deposition transcripts of Suzanne "Zan" Thornton, respectively. 17. Attached hereto as Exhibit 15 is a true and correct copy of the September 23, 2022 deposition transcript of the Athens-Clarke County Board of Elections and Voter Registration. 18. Attached hereto as Exhibit 16 is a true and correct copy of the Expert Report and declaration of Dr. Daniel G. Chatman dated January 27, 2023. 19. Attached hereto as Exhibit 17 is a true and correct copy of the February 23, 2023 deposition transcript of Joseph Blake Evans. 20. Attached hereto as Exhibit 18 is a true and correct copy of the declaration of Jacqueline Wiley dated May 15, 2023. 21. Attached hereto as Exhibit 19 is a true and correct copy of excerpts of the February 27, 2023 deposition transcript of Devon Orland and Christopher. 22. Attached hereto as Exhibit 20 is a true and correct copy of excerpts of the February 28, 2023 deposition transcript of Shannon Mattox. 23. Attached hereto as Exhibit 21 is a true and correct copy of excerpts of the April 6, 2023 deposition transcript of Robert Gabriel Sterling. 24. I declare under penalty of perjury that the foregoing is true and correct. Dated: May 17, 2023 /s/ Brian Dimmick Brian Dimmick Counsel for Plaintiffs 6 Exhibit Description Cites 1 Expert Report of Dr. Lisa A. Schur Full 2 Decl. of Empish Thomas ("Thomas") Full 3 Decl. of Patricia Chicoine ("Chicoine") Full 4 Decl. of Shannon Mattox ("Mattox") Full 5 Decl. of Devon Orland ("Orland") Full 6 Decl. of Matt Hargroves ("Hargroves") Full 7 Decl. of Zan Thornton ("Thornton") Full 8 Decl. of Wendell Halsell ("Halsell") Full 9 Georgia Secretary of State's Office ("SOS") 1, 111-114, 195-198, 200-201, 213 Dep. 10 Hall Cnty. Bd. of Elections and Registration 1, 65-66, 68, 89, 70, 76, 132, 151-153, ("Hall") Dep. 1, 155, 157 11 Columbia Cnty. Bd. of Elections ("Columbia") 1, 161 Dep. 12 DeKalb Cnty. Bd. of Elections ("DeKalb") Dep. 1, 226-229 13 Marie Frances Watson ("Watson") Dep. 1, 183 14 Suzanne Thornton ("Thornton") Dep. Day 1 and 1,28, 89, 108-110, 113 Day 2 1, 10-11, 19, 33-34, 40, 15 Athens-Clarke Cnty. Bd. of Elections and Voter 1, 114-116, 121-122, 123, 124, 127, Registration ("Athens-Clarke") Dep. 16 Expert Report of Dr. Daniel G. Chatman Full 17 Joseph Blake Evans ("Evans") Dep. 1, 215, 228 18 Decl. of Jacqueline Wiley ("Wiley") Full 19 Devon Orland Christopher ("Orland") Dep. 1, 161-162 20 Shannon Mattox ("Mattox") Dep. 1, 90-91 21 Robert Gabriel Sterling ("Sterling") Dep. 1, 72-73, 157-158, 162, 223 7

7. Attached hereto as **Exhibit 5A** is a true and correct copy of the declaration of Devon Orland dated May 3, 2023, along with **Exhibits 5B-E** accompanying that declaration.

8. Attached hereto as **Exhibit 6** is a true and correct copy of the

declaration of Matt Hargroves dated May 10, 2023.

9. Attached hereto as **Exhibit 7** is a true and correct copy of the declaration of Suzanne “Zan” Thornton dated May 5, 2023.

10. Attached hereto as **Exhibit 8** is a true and correct copy of the declaration of Wendell Halsell dated April 28, 2023.

11. Attached hereto as **Exhibit 9** is a true and correct copy of excerpts of the April 13, 2023 deposition transcript of Ryan Germany as a designee of the Georgia Secretary of State’s Office.

12. Attached hereto as **Exhibit 10** is a true and correct copy of excerpts of the March 9, 2023 deposition transcript of the Hall County Board of Elections & Registration.

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22. Attached hereto as **Exhibit 20** is a true and correct copy of excerpts of the February 28, 2023 deposition transcript of Shannon Mattox.

23. Attached hereto as **Exhibit 21** is a true and correct copy of excerpts of the April 6, 2023 deposition transcript of Robert Gabriel Sterling.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 17, 2023

/s/ Brian Dimmick
Brian Dimmick

Counsel for Plaintiffs

Exhibit	Description	Cites
1	Expert Report of Dr. Lisa A. Schur	Full
2	Decl. of Empish Thomas (“Thomas”)	Full
3	Decl. of Patricia Chicoine (“Chicoine”)	Full
4	Decl. of Shannon Mattox (“Mattox”)	Full
5	Decl. of Devon Orland (“Orland”)	Full
6	Decl. of Matt Hargroves (“Hargroves”)	Full
7	Decl. of Zan Thornton (“Thornton”)	Full
8	Decl. of Wendell Halsell (“Halsell”)	Full
9	Georgia Secretary of State’s Office (“SOS”) Dep.	1, 111-114, 195-198, 200-201, 213
10	Hall Cnty. Bd. of Elections and Registration (“Hall”) Dep.	1, 65-66, 68, 69, 70, 76, 132, 151-153, 155, 157
11	Columbia Cnty. Bd. of Elections (“Columbia”) Dep.	1, 161
12	DeKalb Cnty. Bd. of Elections (“DeKalb”) Dep.	1, 226-229
13	Marie Frances Watson (“Watson”) Dep.	1, 183
14	Suzanne Thornton (“Thornton”) Dep. Day 1 and Day 2	1, 28, 89, 108-110, 113 1, 10-11, 19, 33-34, 40
15	Athens-Clarke Cnty. Bd. of Elections and Voter Registration (“Athens-Clarke”) Dep.	1, 114-116, 121-122, 123, 124, 127
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19	Devon Orland Christopher (“Orland”) Dep.	1, 161-162
20	Shannon Mattox (“Mattox”) Dep.	1, 90-91
21	Robert Gabriel Sterling (“Sterling”) Dep.	1, 72-73, 157-158, 162, 223

EXHIBIT 1

3 EXHIBIT 1 3 UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION IN RE GEORGIA SENATE BILL 202 MASTER CASE NO. 1:12-MI-55555-JPB CONCERNED BLACK CLERGY OF METROPOLITAN ATLANTA, INC., et al., Plaintiffs, v. Case No. 1:21-CV-01728-JPB BRAD RAFFENSPERGER, in his official capacity as the Secretary of the State of Georgia, et al., Defendants. SIXTH DISTRICT OF THE AFRICAN METHODIST EPISCOPAL CHURCH, et al., Plaintiffs, v. CIVIL ACTION BRIAN KEMP, Governor of the State of Georgia, in his official capacity, et Case No. 1:21-CV-01284-JPB al., Defendants. 3 Expert Report of Dr. Lisa A. Schur, Ph.D. Department of Labor Studies and Employment Relations 50 Labor Center Way Rutgers University New Brunswick, NJ 08903 On behalf of Plaintiffs in the two above captioned cases. 3 Declaration of Professor Lisa A. Schur, Ph.D. 1. I, Lisa Schur, do hereby declare as follows: 2. I have been retained to act as an expert witness for the Plaintiffs in the above-captioned action. 3. Attached hereto as Exhibit A is a true and accurate copy of my January 13, 2023 Report in support of Plaintiffs' case, and the exhibits attached thereto (collectively, my "report"). 4. My report describes the information and other information I considered in forming my opinions. 5. My CV is attached as Appendix A to my report, and sets forth my qualifications and all publications I have authored in the past 10 years. 6. Within the last four years, I have been an expert witness in one other case in 2020: Corona et al. v. Cegavske et al., No. 20 OC 000071B, First Judicial District Court In and For Carson City, State of Nevada. 7. I am compensated for work on my report at a rate of \$200 per hour. 8. I respectfully adopt and incorporate into this Declaration my report, which describes the testimony I am offering in support of Plaintiffs' case. 9. I understand and intend that my report is to be presented to the Court with the same weight and consequences as if I had stated the report orally, under oath, in a court of law. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief. 10. I am aware that discovery in this case is ongoing, and I reserve the right to continue to supplement the foregoing report in light of additional facts, testimony, and/or materials that may come to light. 1 3 11. Executed this January 13, 2023 in Mercer County, New Jersey. Lisa A. Schur 2 3 EXHIBIT A 3 PURPOSE OF ENGAGEMENT 1. I have been retained by Plaintiffs in Sixth District of the African Methodist Episcopal Church v. Kemp, No. 1:21-CV-01284 and Concerned Black Clergy of Metropolitan Atlanta, Inc., et al. v. Brad Raffensperger, et al., No. 1:21-CV-01728-JPB / 1:21-MI-55555 to provide my expert opinions on issues related to the ways in which SB-202 erects barriers that harm voters with disabilities by impeding their access to voting in the State of Georgia. QUALIFICATIONS 2. I am a Professor and former Chair of the Department of Labor Studies and Employment Relations at Rutgers University, and Co-Director of the Program for Disability Research. I joined the faculty at Rutgers University in 1998 after completing my Ph.D. in Political Science at the University of California-Berkeley in 1997. I also obtained a J.D. from the Northeastern University School of Law in 1987. My research focuses on political participation and employment among people with disabilities. 3. I have authored or co-authored 42 peer-reviewed journal articles or book chapters, and am first author of the book *People with Disabilities: Sidelined or Mainstreamed?* published by Cambridge University Press in 2013. My articles have appeared in leading peer-reviewed academic journals, including the *Political Research Quarterly*, *Election Law Journal*, *ILR Review*, *Social Science Quarterly*, *Behavioral Sciences and the Law*, *Human Resource Management*, *Journal of Occupational Rehabilitation*, and *British Journal of Industrial Relations* among others. I was also invited to prepare a White Paper titled "Reducing Obstacles to Voting for People with Disabilities" for the Presidential Commission on Election Administration in 2013. My curriculum vitae is attached to this affidavit as Exhibit A. My 1 3 published research uses a variety of methods common to the field, including development and analysis of quantitative and qualitative analysis data from surveys, interviews, and field and laboratory experiments. My research has been cited over 4,000 times according to Google Scholar. 4. I have substantial expertise on the topic of voting among people with disabilities. I have been principal investigator (PI) or Co-PI on five grant-funded national surveys on the voting experiences of people with and without disabilities. Three of these surveys were funded by the U.S. Election Assistance Commission (EAC). Following the release of key results, the data were further analyzed with results published in peer-reviewed journals; one of these articles received a major award from the Western Political Science Association. In addition to these surveys, I have analyzed U.S. Census microdata after each election since 2008 and co-authored fact sheets with detailed analyses of disability and voter turnout in each election, along with pre-election fact sheets projecting the number of eligible voters with disabilities in 2016 and 2020. The most recent fact sheet analyzing the 2020 election was jointly released with the EAC. 5. On February 8, 2022, I gave invited testimony before the U.S. Senate Health, Education, Labor, and Pensions Committee summarizing the employment status and barriers facing people with disabilities during the pandemic. 6. I have been PI or Co-PI on 12 grants with total funding of \$7.5 million. Currently I am PI or Co-PI on four disability-related grants, including two 5-year grants for centers funded by the National Institute on Disability, Independent Living, and Rehabilitation Research in the U.S. Department of Health and Human Services. 2 3 EXECUTIVE SUMMARY 7. This report finds that: 8. Voting-eligible people with disabilities vote at lower rates than those without disabilities, vote by mail significantly more often than those without disabilities, and experience barriers to voting—both in person and by mail—more frequently than people without disabilities. Any impediments to the vote by mail process, such as those that SB 202 implements, increase the burden on voting for people with disabilities, because voting by mail is often the most accessible – or only accessible – means of voting for them. 9. At least 16%, or 1.3 million, of voting-eligible Georgians have disabilities. 10. Voting-eligible citizens in Georgia with disabilities face myriad barriers in accessing the ballot. These barriers stem from high rates of needing assistance in activities of daily living, higher likelihood of living alone, lower likelihood of having a vehicle they can drive, other barriers to travel, lower likelihood of Internet access, and lower average education levels compared to those without disabilities. Voting-eligible disabled citizens in Georgia are more socially isolated, which limits their support networks for assistance in voting. They also must contend with well-documented social stigma that both reflects and reinforces their social isolation and increases the barriers to obtaining necessary resources and assistance in exercising the right to vote. Because people with disabilities often must receive assistance to be able to vote – either in person or by mail – restrictions on who can assist them, or burdens on the assistants, will inevitably create additional barriers for disabled people's access to the ballot. 11. Only 62.8% of voting-eligible people with disabilities in Georgia

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voted in 2020, compared to 66.4% of those without disabilities. If the rate of voter turnout had been the same 3 3 between people with and without disabilities, an additional 28,600 people with disabilities would have voted in Georgia in 2020. 12. Among Georgia voters in 2020, 44.7% of people with disabilities and 26.7% of people without disabilities voted using a mail ballot. 13. In 2020, 5.4% of Georgia registered voters with disabilities reported that they did not vote because they were not allowed to vote even though they were registered, found it was too much trouble, or were dissuaded by the long lines, compared to only 0.7% of Georgia registered voters without disabilities. This represents 48,300 Georgians with disabilities who did not vote due to one of these problems. 14. Among those who were able to vote in 2020, national data show that 21.3% of in-person voters with disabilities either required assistance or had difficulties in voting, which is almost twice the 11.9% rate among voters without disabilities. There was also a disability gap among mail-in voters, where 14.0% of voters with disabilities either required assistance or had difficulties in voting compared to 3.2% of voters without disabilities. While detailed representative data on specific voting difficulties and assistance in Georgia are not available at this time, the disability types and demographic characteristics of Georgians with disabilities are similar to those of people with disabilities in the United States as a whole, and it is likely that these national patterns apply to Georgia. 15. Based on these findings, and in my expert opinion, several provisions of SB 202 will impose barriers on Georgia citizens with disabilities who wish to exercise their right to vote. 16. The sections restricting the ability to vote by mail include Sections 47 and 25 to 27. 17. Criminal penalties on assistance in voting by mail: Section 47's new felony penalties for violation of the restriction that only family members, household members, and 3 caregivers can help people with disabilities mail or deliver absentee ballots to an election office will potentially impact a large number of Georgians with disabilities. An estimated 168,800 Georgians with disabilities receive assistance in activities of daily living from friends, neighbors, or other non-relatives who would not be eligible to help with an absentee ballot under this section (unless they happen to be poll workers). The new penalties for violating restrictions on assistance for voters with disabilities in returning absentee ballots are confusing and contradictory. SB 202's criminalization of violations of these requirements will likely deter well-meaning and potentially legally permissible assistants who may be the only means for some disabled Georgians to vote. The cumulative effect of these restrictions on top of existing restrictions will add to the voting difficulties faced by Georgians with disabilities. 18. Limitations on time window and process for obtaining mail ballot: Sections 25 and 27 limit access to mail ballots, through restrictions on the time window and process for requesting and returning mail ballots. This will burden many people with disabilities who either need to vote by mail due to their disabilities or find it less difficult to vote by mail due to their disabilities. As noted above, 44.7% of Georgians with disabilities voted by mail in 2020. 19. Limitations on drop boxes: Section 26 restricts the availability of drop boxes, which will likely make it harder for many people with disabilities to vote due to transportation difficulties and mobility challenges in getting to and going inside an election office to deliver a ballot. Close to one-sixth (15.7%) of voters with disabilities in the United States used a drop box in 2020. 20. The sections restricting the ability to vote in person include Sections 33 to 35, 28, 15, and 20: 5 3 21. Decreasing assistance at polling places: Section 33 places restrictions on assisting voters, which will burden many people with disabilities who require assistance in voting. Restricting the availability of assistance wi

Declaration of Professor Lisa A. Schur, Ph.D.

1. I, Lisa Schur, do hereby declare as follows:
2. I have been retained to act as an expert witness for the Plaintiffs in the above-captioned action.
3. Attached hereto as Exhibit A is a true and accurate copy of my January 13, 2023 Report in support of Plaintiffs' case, and the exhibits attached thereto (collectively, my "report").
4. My report describes the primary data and other information I considered in forming my opinions.
5. My CV is attached as Appendix A to my report, and sets forth my qualifications and all publications I have authored in the past 10 years.
6. Within the last four years, I have been an expert witness in one other case in 2020:
Corona et al. v. Cegavske et al., No. 20 OC 00064 1B, First Judicial District Court In and For Carson City, State of Nevada.
7. I am compensated for work on my report at a rate of \$200 per hour.
8. I respectfully adopt and incorporate into this Declaration my report, which describes the testimony I am offering in support of Plaintiffs' case.
9. I understand and intend that my report is to be presented to the Court with the same weight and consequences as if I had stated the report orally, under oath, in a court of law.
I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.
10. I am aware that discovery in this case is ongoing, and I reserve the right to continue to supplement the foregoing report in light of additional facts, testimony, and/or materials that may come to light.

11. Executed this January 13, 2023 in Mercer County, New Jersey.

A handwritten signature in black ink, reading "Lisa Schur". The signature is written in a cursive style with a long horizontal stroke at the end of the word "Schur".

Lisa A. Schur

EXHIBIT A

PURPOSE OF ENGAGEMENT

1. I have been retained by Plaintiffs in *Sixth District of the African Methodist Episcopal Church v. Kemp*, No. 1:21-CV-01284 and *Concerned Black Clergy of Metropolitan Atlanta, Inc., et al. v. Brad Raffensperger, et al.*, No. 1:21-CV-01728-JPB / 1:21-MI-55555 to provide my expert opinions on issues related to the ways in which SB 202 erects barriers that harm voters with disabilities by impeding their access to voting in the State of Georgia.

QUALIFICATIONS

2. I am a Professor and former Chair of the Department of Labor Studies and Employment Relations at Rutgers University, and Co-Director of the Program for Disability Research. I joined the faculty at Rutgers University in 1998 after completing my Ph.D. in Political Science at the University of California-Berkeley in 1997. I also obtained a J.D. from the Northeastern University School of Law in 1987. My research focuses on political participation and employment among people with disabilities.

3. I have authored or co-authored 42 peer-reviewed journal articles or book chapters, and am first author of the book *People with Disabilities: Sidelined or Mainstreamed?* published by Cambridge University Press in 2013. My articles have appeared in leading peer-reviewed academic journals, including the *Political Research Quarterly*, *Election Law Journal*, *ILR Review*, *Social Science Quarterly*, *Behavioral Sciences and the Law*, *Human Resource Management*, *Journal of Occupational Rehabilitation*, and *British Journal of Industrial Relations* among others. I was also invited to prepare a White Paper titled “Reducing Obstacles to Voting for People with Disabilities” for the Presidential Commission on Election Administration in 2013. My curriculum vitae is attached to this affidavit as Exhibit A. My

published research uses a variety of methods common to the field, including development and analysis of quantitative and qualitative analysis data from surveys, interviews, and field and laboratory experiments. My research has been cited over 4,000 times according to Google Scholar.

4. I have substantial expertise on the topic of voting among people with disabilities. I have been principal investigator (PI) or Co-PI on five grant-funded national surveys on the voting experiences of people with and without disabilities. Three of these surveys were funded by the U.S. Election Assistance Commission (EAC). Following the release of key results, the data were further analyzed with results published in peer-reviewed journals; one of these articles received a major award from the Western Political Science Association. In addition to these surveys, I have analyzed U.S. Census microdata after each election since 2008 and co-authored fact sheets with detailed analyses of disability and voter turnout in each election, along with pre-election fact sheets projecting the number of eligible voters with disabilities in 2016 and 2020. The most recent fact sheet analyzing the 2020 election was jointly released with the EAC.

5. On February 8, 2022, I gave invited testimony before the U.S. Senate Health, Education, Labor, and Pensions Committee summarizing the employment status and barriers facing people with disabilities during the pandemic.

6. I have been PI or Co-PI on 12 grants with total funding of \$7.5 million. Currently I am PI or Co-PI on four disability-related grants, including two 5-year grants for centers funded by the National Institute on Disability, Independent Living, and Rehabilitation Research in the U.S. Department of Health and Human Services.

EXECUTIVE SUMMARY

7. This report finds that:

8. Voting-eligible people with disabilities vote at lower rates than those without disabilities, vote by mail significantly more often than those without disabilities, and experience barriers to voting—both in person and by mail—more frequently than people without disabilities. Any impediments to the vote by mail process, such as those that SB 202 implements, increase the burden on voting for people with disabilities, because voting by mail is often the most accessible – or only accessible – means of voting for them.

9. At least 16%, or 1.3 million, of voting-eligible Georgians have disabilities.

10. Voting-eligible citizens in Georgia with disabilities face myriad barriers in accessing the ballot. These barriers stem from high rates of needing assistance in activities of daily living, higher likelihood of living alone, lower likelihood of having a vehicle they can drive, other barriers to travel, lower likelihood of Internet access, and lower average education levels compared to those without disabilities. Voting-eligible disabled citizens in Georgia are more socially isolated, which limits their support networks for assistance in voting. They also must contend with well-documented social stigma that both reflects and reinforces their social isolation and increases the barriers to obtaining necessary resources and assistance in exercising the right to vote. Because people with disabilities often must receive assistance to be able to vote – either in person or by mail – restrictions on who can assist them, or burdens on the assistants, will inevitably create additional barriers for disabled people’s access to the ballot.

11. Only 62.8% of voting-eligible people with disabilities in Georgia voted in 2020, compared to 66.4% of those without disabilities. If the rate of voter turnout had been the same

between people with and without disabilities, an additional 28,600 people with disabilities would have voted in Georgia in 2020.

12. Among Georgia voters in 2020, 44.7% of people with disabilities and 26.7% of people without disabilities voted using a mail ballot.

13. In 2020, 5.4% of Georgia registered voters with disabilities reported that they did not vote because they were not allowed to vote even though they were registered, found it was too much trouble, or were dissuaded by the long lines, compared to only 0.7% of Georgia registered voters without disabilities. This represents 48,300 Georgians with disabilities who did not vote due to one of these problems.

14. Among those who were able to vote in 2020, national data show that 21.3% of in-person voters with disabilities either required assistance or had difficulties in voting, which is almost twice the 11.9% rate among voters without disabilities. There was also a disability gap among mail-in voters, where 14.0% of voters with disabilities either required assistance or had difficulties in voting compared to 3.2% of voters without disabilities. While detailed representative data on specific voting difficulties and assistance in Georgia are not available at this time, the disability types and demographic characteristics of Georgians with disabilities are similar to those of people with disabilities in the United States as a whole, and it is likely that these national patterns apply to Georgia.

15. Based on these findings, and in my expert opinion, several provisions of SB 202 will impose barriers on Georgia citizens with disabilities who wish to exercise their right to vote.

16. The sections restricting the ability to vote by mail include Sections 47 and 25 to 27:

17. **Criminal penalties on assistance in voting by mail:** Section 47's new felony penalties for violation of the restriction that only family members, household members, and

caregivers can help people with disabilities mail or deliver absentee ballots to an election office will potentially impact a large number of Georgians with disabilities. An estimated 168,800 Georgians with disabilities receive assistance in activities of daily living from friends, neighbors, or other non-relatives who would not be eligible to help with an absentee ballot under this section (unless they happen to be poll workers). The new penalties for violating restrictions on assistance for voters with disabilities in returning absentee ballots are confusing and contradictory. SB 202's criminalization of violations of these requirements will likely deter well-meaning and potentially legally permissible assistors who may be the only means for some disabled Georgians to vote. The cumulative effect of these restrictions on top of existing restrictions will add to the voting difficulties faced by Georgians with disabilities.

18. Limitations on time window and process for obtaining mail ballot: Sections 25 and 27 limit access to mail ballots, through restrictions on the time window and process for requesting and returning mail ballots. This will burden many people with disabilities who either need to vote by mail due to their disabilities or find it less difficult to vote by mail due to their disabilities. As noted above, 44.7% of Georgians with disabilities voted by mail in 2020.

19. Limitations on drop boxes: Section 26 restricts the availability of drop boxes, which will likely make it harder for many people with disabilities to vote due to transportation difficulties and mobility challenges in getting to and going inside an election office to deliver a ballot. Close to one-sixth (15.7%) of voters with disabilities in the United States used a drop box in 2020.

20. The sections restricting the ability to vote in person include Sections 33 to 35, 28, 15, and 20:

21. Decreasing assistance at polling places: Section 33 places restrictions on assisting voters, which will burden many people with disabilities who require assistance in voting. Restricting the availability of assistance will make voting more difficult for many Georgians with disabilities, given that 44.4% of Georgians with disabilities of voting age require assistance with daily activities. National data show that 6.2% of people with disabilities who voted at a polling place in 2020 needed assistance in voting as did 10.5% of those who voted by mail. The fear that potential assisters could have of being charged with a crime is very likely to make it more difficult for some people with disabilities to obtain needed voting assistance, as some individuals will be reluctant to provide assistance due to the fear of being charged with a crime—either a misdemeanor for helping to apply for an absentee ballot, or a felony for helping to fill out or return an absentee ballot.

22. Making it harder to vote if a citizen shows up at the wrong polling place: Sections 34 and 35 make it harder for a citizen to vote if they show up at the wrong polling place. If the polling place location has been changed, people with disabilities are less likely to be aware of this given their lower rates of Internet access. Also, for those people with disabilities who arrive at the wrong polling place, the cost of getting to the correct polling place is likely to be high given the transportation difficulties many of them face and their lower likelihood of having a car they can drive.

23. Reducing advance voting days for runoff elections: Section 28 limits advance voting days for runoff elections, which constrains voting opportunities for a large portion of Georgian voters with disabilities, as over two-fifths (43.4%) of them voted early at a polling place or election office. This can create extra scheduling difficulties for those who need to coordinate with family or non-family members to obtain assistance in voting. This section also

provides that information on advance voting for runoff elections will be posted on websites and is required to be published in the print media only if the county election office does not have a website. People with disabilities are, however, less likely to have Internet access, and those who lack Internet access will not receive information on advance voting for runoff elections if the county election office has a website and does not also provide alternate means of informing voters of early voting places.

24. Making it easier to challenge voter qualifications: Section 15 expands the ability to challenge voter qualifications, which will likely be used against many people with intellectual and developmental disabilities and create substantial costs in responding to a challenge.

25. Restricting mobile polling places: Section 20 restricts the use of mobile polling places, which are highly useful to many people with disabilities who have mobility and transportation barriers.

26. The combined additional restrictions on mail-in voting in SB 202 are likely to push more people to vote in person at polling places, which will in turn exacerbate problems of long lines at polling places and consequently make it harder for many people with disabilities to wait in line to vote in person. While older voters and those with physical disabilities may ask to be moved to the front of a line, it may be hard to get the attention of poll workers and convince them that one is entitled to do so, and this practice would not be available to individuals with different disabilities, such as cognitive or other less-visible impairments, who may now need to vote in person.

27. These restrictions should be seen in the context of the on-going and recognized difficulties faced by people with disabilities in voting. The U.S. Department of Justice has explained:

Voting is one of our nation's most fundamental rights and a hallmark of our democracy. Yet for too long, many people with disabilities have been excluded from this core aspect of citizenship. People with intellectual or mental health disabilities have been prevented from voting because of prejudicial assumptions about their capabilities. People who use wheelchairs or other mobility aids, such as walkers, have been unable to enter the polling place to cast their ballot because there was no ramp. People who are blind or have low vision could not cast their vote because the ballot was completely inaccessible to them.¹

28. In sum, in my expert opinion, sections 15, 20, 25 to 28, 33 to 35, 47, and 48 of SB 202 will harm a significant number of Georgians with disabilities and make it more difficult, if not impossible, for many of them to exercise the right to vote.

DEFINITION OF DISABILITY

29. The Americans with Disabilities Act (ADA) protects all individuals with a substantial limitation in one or more major life activities. The U.S. Department of Justice has explained:

The term “substantially limits” shall be construed broadly in favor of expansive coverage, to the maximum extent permitted by the terms of the ADA...The comparison of an individual's performance of a major life activity to the performance of the same major life activity by most people in the general population usually will not require scientific, medical, or statistical evidence.²

¹ *The Americans with Disabilities Act and Other Federal Laws Protecting the Rights of Voters with Disabilities*, U.S. DEPARTMENT OF JUSTICE, October 10, 2014, https://www.ada.gov/ada_voting/ada_voting_ta.htm.

² *Questions and Answers about the Department of Justice's Notice of Proposed Rulemaking to Implement the Americans with Disabilities Act Amendments Act of 2008*, U.S. DEPARTMENT OF JUSTICE, January 30, 2014, https://www.ada.gov/nprm_adaaa/adaaa-nprm-qa.htm.

INTERPRETING THE DATA

30. This report presents an overview of the prevalence and characteristics of people with disabilities, drawing on analysis of six nationally representative surveys. Three of these surveys are conducted by the U.S. Census Bureau: the American Community Survey (ACS), the Survey of Income and Program Participation SSA Supplement (SIPP), and the Current Population Survey Voting and Registration Supplement (CPS).³ The other three surveys are the National Household Travel Survey (NHTS) conducted by the Federal Highway Administration, the Survey of the Performance of American Elections (SPAEE) conducted by the Caltech/MIT Voting Technology Project, and the Disability and Voting Accessibility Survey (DVAS) sponsored by the EAC and conducted by Rutgers University and SSRS Inc.⁴ Each of these surveys has a large sample and uses widely-accepted methods to obtain information on a population's characteristics. Responding households are chosen randomly, and any differences from known values in the population are corrected using statistical weights in order to ensure that the final sample is representative of the population.

31. I rely on ACS data where the measures are available, because this dataset: i) has a much larger sample size than other surveys, which creates estimates with smaller margins of error, and ii) is more comprehensive by including residents living in group quarters, unlike the

³ See *American Community Survey*, UNITED STATES CENSUS BUREAU, <https://www.census.gov/programs-surveys/cps/about/supplemental-surveys.html> (last visited 2/28/2022) (the relevant supplemental surveys are the Social Security Administration Supplement and Voter Registration Supplement, in addition to the general survey).

⁴ *National Household Travel Survey*, U.S. Department of Transportation, FEDERAL HIGHWAY ADMINISTRATION, <https://nhts.ornl.gov/> (last visited 2/28/2022); *Survey of the Performance of American Elections*, MIT ELECTION LAB, <https://electionlab.mit.edu/research/projects/survey-performance-american-elections> (last visited 2/28/2022); *U.S. Election Assistance Commission Study on Disability and Voting in the 2020 Elections*, <https://www.eac.gov/election-officials/us-election-assistance-commission-study-disability-and-voting-accessibility-2020> (last visited 2/28/2022).

SIPP, CPS, and NHTS. Group quarters are categorized in ACS into either “institutional” settings (nursing homes, mental health hospitals, and correctional facilities) or “non-institutional” settings (college dorms, military barracks, group homes, missions, and shelters). As will be described below, people with disabilities are significantly more likely than those without disabilities to be living in institutional group quarters. To the extent that people with disabilities in institutional group quarters have more severe disabilities and face greater barriers in general, the CPS, SIPP, and NHTS will underreport the disparities faced by people with disabilities overall.

32. The ACS and CPS have measures of both age and citizenship, so I limit the samples to the voting-eligible population (citizens age 18 or older). The DVAS includes only the voting-eligible population, and the SPAE includes only registered voters. The SIPP and NHTS have age but not citizenship measures, so estimates from those surveys are based on the voting-age population (age 18 or older).

33. The ACS and CPS measure disability using six questions. Four of the questions measure impairments (vision, hearing, cognitive, and mobility), and two of the questions measure activity limitations (difficulty dressing or bathing and difficulty going outside alone). These questions were chosen after extensive cognitive research by the Census Bureau, using interviews and focus groups to ascertain how respondents understood and interpreted the survey questions, to maximize the likelihood that answers to the final questions would reflect accurate reporting of disabilities rather than alternative understandings of the questions.⁵ SIPP uses a more extensive set of over 100 questions to derive its disability measure. The DVAS measures

⁵ Kristen Miller and Theresa J. Demaio, *Report of Cognitive Research on Proposed ACS Disability Questions*, US CENSUS BUREAU, August 28, 2006, <https://www.census.gov/library/working-papers/2006/adrm/ssm2006-06.html>.

disability using the six ACS and CPS questions plus a seventh broader question, whereas the NHTS and SPAE each use one general question to measure disability.

34. An important note is that the six questions used by the ACS and CPS capture only a portion of the full disability population (as defined by the broad ADA definition described above). One issue is that measuring disability is made difficult by the wide variation in types of disability (e.g., hearing, vision, mobility, cognitive, developmental, chronic illnesses, and others) and the severity of disabilities (e.g., whether the condition causes a severe or less significant, or fluctuating, limitation in life activities). Asking about all types of disabilities is not feasible in a survey; due to the wide variation, it is inevitable that any set of questions will miss some disabilities. The six standard Census questions are likely to undercount speech impairments and learning disabilities, as well as mental illnesses such as depression and bipolar disorder. They may also undercount people with chronic illnesses or episodic conditions that wax and wane such as epilepsy, Lupus, and Multiple Sclerosis, and conditions like cancer, long-COVID, or back problems that cause pain or fatigue. A second issue is that people might underreport disabling conditions due to the stigma associated with disability, as found in research comparing subjective reports to objective reports of health conditions.⁶ Despite these issues common to all surveys measuring disability, the Census surveys nonetheless provide a valuable window on a large portion of the disability population. Because the six questions are likely to undercount certain types of disabilities, I also present results from a more extensive set of disability questions used in a SIPP module in 2014. These more extensive questions have not been used in any major survey since 2014. Due to the greater number of questions that cover a broader range

⁶ Michael Baker, Mark Stabile, and Catherine Deri, *What do self-reported, objective, measures of health measure?*, 39 J. HUMAN RESOURCES 1067 (2004).

of disabilities, the SIPP is likely to be a more comprehensive portrait of the disability population, although it has the drawback that it excludes people in institutional group quarters and does not have a citizenship measure as noted above.

35. In this report I focus on the population of people with disabilities living in Georgia. The 2021 ACS has a large sample size of 74,106 for Georgia, while the Georgia sample sizes for other surveys are: 895 for SIPP, 1,819 for CPS, 15,198 for NHTS, and 1,000 for SPAE. These sample sizes are close to or exceed the standard sample size of 1,000 used to obtain reliable estimates within large populations. Where the Georgia samples are smaller, in several breakdowns I complement the Georgia numbers from those surveys with numbers for the overall U.S., plus estimates of the significance of any differences between the U.S. and Georgia samples. The DVAS has a good sample for national estimates but does not have a large enough sample within Georgia for meaningful analysis, so I present only national figures from this survey.

36. In a number of places, I compare results between people with and without disabilities, showing that people with disabilities face economic and social disparities and higher rates of voting difficulties that are linked to lower voter participation. These disparities are maintained when holding constant the effects of demographic characteristics (race, ethnicity, gender, age, and educational attainment). The effects of disability may be even greater than indicated by a simple comparison of barriers encountered between people with and without disabilities. Looking at the difference between people with and without disabilities may not most accurately reflect the barriers people with disabilities face, given the ways in which disability may interact with other barriers such as poverty in affecting voting. I focus on the absolute numbers of people with disabilities that encounter barriers wherever possible.

37. All estimates presented in this report use survey weights to ensure that the samples are representative of the disability population on key characteristics. Due to the pandemic possibly affecting survey responses, I have also made comparisons of the 2021 ACS data to the 2019 and 2020 ACS data. The results of this comparison are very similar on all key variables in 2019, 2020, and 2021.

38. In short, the Census surveys do a satisfactory job of providing a portrait of a large portion of the disability population and are used by scholars in peer-reviewed research on the status of people with disabilities. To the extent that they undercount people with disabilities, they will also undercount the number of people who face disability-related barriers and challenges in voting and other important activities.

OVERVIEW: PREVALENCE AND GENERAL CHARACTERISTICS OF PEOPLE WITH DISABILITIES AND IMPLICATIONS FOR VOTING ACCESS

Summary

39. In order to fully understand the extensive barriers people with disabilities face in accessing their fundamental right to vote, it is critical to provide an overview of the general barriers people with disabilities face in their daily lives and how each of these factors can impact access to voting. People with disabilities are likely to face myriad barriers in exercising the right to vote. These barriers can stem from a number of disability-related issues, including the need for assistance in activities of daily living, increased likelihood of living alone, lower likelihood of having a vehicle one can drive, other barriers to traveling, lower likelihood of Internet access, and lower levels of education. In addition, the lower economic status of people with disabilities, reflected in lower incomes and higher poverty rates, creates challenges in exercising the right to vote. For example, people with disabilities are less likely to have the money to buy computers or

own their own vehicles, making it harder to access information or get to election offices and polling sites. The social stigma many people with disabilities experience further compounds the difficulties they face in accessing voting.

Overall Prevalence and Types of Disability

40. Both ACS and SIPP data can be used to provide estimates of the number of people with disabilities in Georgia. As explained above, the ACS uses only 6 questions so provides a more conservative estimate, while the SIPP disability measure is based on over 100 questions and provides a more expansive estimate. Based on the 2021 ACS 6-question measure, **Table 1** shows that 16.4% of voting-eligible people in Georgia have disabilities, representing 1.3 million people. Using the SIPP survey's more extensive set of disability questions, **Table 2** shows that 31.9% of voting-age people in Georgia have disabilities, which represents 2.5 million people when applied to 2021 population numbers.⁷ The range of 1.3 to 2.5 million people reflects differences in whether disability is measured more narrowly or broadly. The broader measure includes conditions that may not be captured by the narrower measure, such as speech impairments, difficulty lifting or grasping, dyslexia, anxiety, depression, and cancer. Two important points about this range are: 1) both numbers indicate that a substantial portion of Georgians have disabilities; and 2) when the narrower ACS measure is used, this is likely to result in conservative estimates of the number of people who face disability-related disparities.

⁷ The 2.5 million figure assumes that the proportion of adults with disabilities in Georgia using the SIPP measure, and the relative disability rate among citizens and non-citizens, did not change between 2014 and 2021.

41. Whether one uses the narrower or broader measure, disability prevalence is projected to grow both in the United States and worldwide as the overall population ages over the next few decades.⁸

42. As shown in Table 1, a breakdown of 2021 ACS data by disability type shows that the Georgia population of citizens with disabilities includes the following overlapping categories:

- a. 680,300 people with mobility impairments,
- b. 479,700 with cognitive impairments,
- c. 335,900 with hearing impairments,
- d. 258,400 with vision impairments,
- e. 242,500 with difficulty dressing or bathing, and
- f. 483,700 with difficulty going outside alone due to a physical or mental condition.

43. Table 1 also shows the margin of error for each estimate, reflecting the potential for sampling error. The margin of error of 0.4% around the ACS disability prevalence estimate of 16.4% means that there is a 95% probability that the true population value lies within plus or minus 0.4% of the estimate, or between 16.0% and 16.8%.

44. These numbers are very similar to those from before the onset of the pandemic in 2020. In 2019, the ACS data show that 16.4% of the Georgia adult citizen population had one or more disabilities.

⁸ *Ageing and Disability*, UNITED NATIONS DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS (last visited 2/28/2022), <https://www.un.org/development/desa/disabilities/disability-and-ageing.html#:~:text=Currently%2C%20it%20is%20estimated%20that,experience%20moderate%20to%20severe%20disability>.

45. The SIPP survey provides a more detailed look at variation in disabling conditions in Georgia. As shown in **Table 2**, more than 10% of the Georgia population has difficulty with the physical activities of walking, climbing stairs, lifting, standing, pushing or pulling, crouching, and reaching. Nearly one-sixth of Georgians (15.5%) have difficulty with one or more basic activities of daily living such as getting into a bed or chair, taking a bath or shower, eating, preparing meals, or using a telephone. Applied to 2021 Georgia population figures, 1.2 million Georgians have difficulty with one or more activities of daily living.⁹ The abilities needed for several of these activities are also needed in the act of voting, both in person and by mail.

Demographic Characteristics

46. The prevalence of disability in Georgia is similar between Black and white non-Hispanic people, but is higher among Native Americans, older people, and those with lower levels of education. The 2021 ACS data in Table 3 show that:

- a. Black and white non-Hispanic people have similar rates of disability (16.9% and 16.8% respectively), while the rate is higher among Native Americans (18.8%) and non-Hispanic people of other races or ethnicities (19.3%).
- b. The disability rate climbs strongly with age, from 8.0% among those aged 18-34 to 26.4% among those aged 65-74, 43.7% among those age 75-84, and 70.5% among those aged 85 or older.

⁹ Calculated by multiplying the total voting-eligible citizens in Georgia (7,783,700 in **Table 1**) by the percent with difficulties with one or more activities of daily living (15.5%).

- c. The disability rate declines strongly as the level of education rises, from 30.4% among those without a high school degree to 10.1% among those with a graduate degree.

47. The relationship between education and disability reflects causality in both directions. Disability can limit education due to barriers that many people with disabilities encounter in furthering their education, such as lack of a correct diagnosis or appropriate accommodations, especially for poorer children. Education also may reduce the incidence of disability. It can create opportunities for jobs with safer working conditions that are less likely to lead to disability. For example, white-collar jobs are less likely to lead to physical injury and work-related disease than blue-collar production jobs. Education also provides opportunities for jobs with higher incomes that increase access to health services and assistive technology that help people cope with potentially disabling conditions.

48. According to ACS data, the estimated total number of voting-eligible people with disabilities in Georgia, as shown in **Table 3**, is

- a. 678,300 women (16.7% of all women)
- b. 595,000 men (16.0% of all men)
- c. 728,100 white non-Hispanic people (16.8% of all white non-Hispanic people)
- d. 409,900 Black non-Hispanic people (16.9% of all Black non-Hispanic people)
- e. 52,600 Hispanic people (11.6% of all Hispanic people).

Compared to pre-pandemic 2019 data, the percentages and numbers of people with disabilities in Georgia are very similar between 2019 and 2021.

Economic Status

49. People with disabilities in Georgia have low employment rates and high poverty rates. As shown in **Table 4**, only 37.0% of working-age (18-64 years old) Georgians with disabilities were employed in 2021, which is half the rate of people without disabilities (74.3%). Among all ages, people with disabilities were almost twice as likely to live in poverty as those without disabilities (18.4% compared to 10.6%). They were also much more likely to receive income from Social Security (47.4% compared to 15.1%), reflecting both disability and retirement income provided through Social Security. In part due to their low incomes, 22.7% receive public assistance income or food stamps and 28.3% receive health care coverage through Medicaid or another low-income plan, compared to 12.0% and 8.2% (respectively) of people without disabilities. Additional breakdowns in the ACS data not shown here indicate that this pattern is very similar between Georgia and the U.S. as a whole and between 2019 and 2021.

Living Situation and Need for Assistance

50. People with disabilities in Georgia are more likely to live alone and be unmarried, and a large portion need assistance with activities of daily living. From the 2021 ACS data shown in **Table 4**:

- a. People with disabilities are significantly more likely than people without disabilities to live alone in the community—that is, not living with others either in the community or in group quarters (18.5% compared to 12.4%).
- b. They are less likely to be currently married with a spouse present (42.3% compared to 49.4%) and more likely to be separated or divorced (19.0% compared to 13.1%) or widowed (14.9% compared to 3.9%).

- c. They are three times more likely than people without disabilities to live in institutional group quarters (3.7% compared to 1.2% are in nursing homes, mental hospitals, or correctional facilities).

51. These patterns of disparities are very similar between Georgia and the entire U.S.

52. People with disabilities are also more likely to need assistance with activities of daily living, which is measured only in SIPP. Because the 2014 SIPP sample has only 341 Georgians with disabilities, I also provide comparison numbers for the full U.S. sample of 10,003 people with disabilities. From the data shown in **Table 5**, over two-fifths of Georgians with disabilities (44.4%) need assistance with one or more activities of daily living, with especially high rates for going outside of the home for errands (24.6%), preparing meals (18.4%), doing light housework (18.4%), keeping track of money (13.5%), and accessing the Internet (13.4%). This pattern is very similar among the full U.S. population of people with disabilities.

53. Applied to the 2021 Georgia population, this indicates that close to 1.1 million Georgia citizens aged 18 or older need assistance with one or more daily activities.

54. Because a large number of people with disabilities live alone, many who need assistance must rely on non-household members. Over one-third (39.1%, or an estimated 973,200 in 2021) of Georgians with disabilities receive assistance in daily activities from family members, while 8.7% (216,400) receive assistance from any non-relative. Looking more closely at assistance from non-family members, 4.2% of all Georgians with disabilities (105,400) receive assistance from friends or neighbors, 2.4% (58,800) from paid help, 0.5% (12,800) from partners or companions, and 2.6% (63,400) from other non-relatives. These are percentages of all people with disabilities, not just those needing assistance with activities of daily living. The categories overlap as individuals may receive help from more than one person.

55. The above factors create greater challenges to voting for many people with disabilities, particularly when they need assistance and find it difficult to arrange such assistance due to their higher likelihood of living alone and greater social isolation.

Computer and Internet Access

56. Due in part to their lower average incomes, people with disabilities in Georgia are less likely to have Internet access. From the 2021 ACS data shown in **Table 6**:

- a. Among Georgia citizens with disabilities who are eligible to vote, 87.7% live in homes with Internet access, compared to 95.2% for people without disabilities.
- b. Translated into absolute numbers, an estimated 157,000 citizens with disabilities who are eligible to vote in Georgia live in homes without Internet access.

57. These digital gaps also show up when looking at individual rather than household access to the Internet. Data from the Census Bureau's 2019 Current Population Survey Computer and Internet Use Supplement show that:

- a. People with disabilities in Georgia are less likely to use the Internet at home (59.6% compared to 79.1% of people without disabilities).
- b. This gap is not decreased by adding Internet access outside the home. Considering all forms of Internet access, only 60.0% of people with disabilities use the Internet in any location compared to 81.9% of people without disabilities.
- c. Translated into absolute numbers, an estimated 305,800 Georgia citizens with disabilities do not use the Internet either inside or outside the home.

- d. The disability gaps in Internet access and usage are not explained by age patterns in disability and Internet access. **Table 6** shows that large disability gaps exist both among people age 18-64 and those age 65 or older.
- e. Although the 2019 survey has a limited sample of Georgians with disabilities, the disability gaps in each measure are outside of the margin of error, meaning it is highly likely these gaps exist in the population.

58. Accompanying these digital gaps, people with disabilities are less likely to have access to printers and copiers. In a 2022 national survey sponsored by the EAC, only 67% of eligible voters with disabilities reported having a printer at home or easy access to one, compared to 82% of those without disabilities.¹⁰

59. These disability gaps in computer and Internet access can impact the ability of citizens with disabilities to obtain necessary resources for voting. Not having Internet access can make it more difficult to: a) register to vote; b) find out how and where to vote, particularly if polling places have been changed; c) gather information on candidates and issues in order to make informed decisions in voting; and d) cure issues with mail-in ballot applications. These difficulties can create serious problems when voting information is provided only in an online format.

Transportation

60. People with disabilities face transportation barriers. Based on the 2017 National Household Travel Survey, 733,000 Georgians aged 18 or older (9.6%) have travel-limiting

¹⁰ U.S. Election Assistance Commission, “Disability, the Voting Process and the Digital Divide,” July 26, 2022, page 22, https://www.eac.gov/sites/default/files/electionofficials/accessibility/Disability_the_Voting_Process_and_the_Digital_Divide_EAC_FINAL.pdf.

disabilities, defined as “a temporary or permanent condition or handicap that makes it difficult to travel outside of the home.” Several findings shown in **Table 7** are:

- a. Georgians with disabilities were four times more likely to live in zero-vehicle households (16.3% compared to 3.7% of Georgians without disabilities).
- b. Georgians with disabilities took fewer average trips per day (2.3 compared to 3.5) and were more likely to take no trips in a day (39.8% compared to 16.4%).
- c. Georgians with disabilities were less likely to be drivers than were those without disabilities (61.6% compared to 91.9%).
- d. Georgians with disabilities did not make up for transportation barriers by using ride-hailing services such as taxis or Uber (only 5.5% did so in the past month compared to 11.5% of Georgians without disabilities) or by relying on online purchases (only 32.5% did so compared to 54.9% of Georgians without disabilities.).
- e. Over half (58.3%) of Georgians with disabilities agreed that travel is a financial burden, compared to 42.9% of those without disabilities.

61. These results are supported when employing a broader disability measure using national data. As also shown in **Table 7**, national data from the 2020 Disability and Voting Accessibility Survey (DVAS) show that only 69.6% of people with disabilities can drive their own or a family vehicle, compared to 90.0% of people without disabilities. People with disabilities were also more likely than those without disabilities to say they faced transportation problems “very often” or “always” (5.6% compared to 2.9%).

62. Transportation difficulties can have a negative impact on voting, as research finds a significantly higher likelihood of voting among those who have a vehicle they can drive.¹¹

63. These difficulties increase the importance of easy, accessible mail-in voting.

Social Isolation, Stigma, and Bias

64. The lower employment levels, greater likelihood of living alone, lower Internet access, and transportation barriers among people with disabilities documented above all contribute to social isolation. The greater social isolation of people with disabilities is also evidenced in their lower likelihood of socializing with friends, relatives, or neighbors.¹² This social isolation limits the support network upon which people with disabilities may rely for assistance with fundamental daily activities, including accessing the right to vote.

65. The social isolation both reflects, and is reinforced by, the well-documented stigma attached to disability that continues to be manifested in attitudinal studies of the general population.¹³ These attitudes toward people with disabilities impact all areas of an individual's life. The stigma attached to disability may create a more negative perception of a person's

¹¹ Lisa Schur, Todd Shields, Douglas Kruse, & Kay Schriener, *Enabling Democracy: Disability and Voter Turnout*, 55 POLITICAL RESEARCH QUARTERLY 167 (2002).

¹² Harris Interactive, *The ADA: 20 Years Later*, KESSLER FOUNDATION AND THE NATIONAL ORGANIZATION ON DISABILITY at 15-16, July 2010, <http://www.advancingstates.org/hcbs/article/ada-20-years-later-2010-survey-americans-disabilities>.

¹³ Fatima Jackson-Best and Nancy Edwards, *Stigma and intersectionality: a systematic review of systematic reviews across HIV/AIDS, mental illness, and physical disability*, 18 BMC PUBLIC HEALTH 919 (2018); Barbara Muzzatti, *Attitudes towards disability: beliefs, emotive reactions, and behaviors by non disabled persons*, 35 GIORNALE ITALIANO DI PSICOLOGIA 313 (2008); Katarina Scior, *Public awareness, attitudes and beliefs regarding intellectual disability: A systematic review*, 32 RESEARCH IN DEVELOPMENTAL DISABILITIES 2164 (2011); Denise Thompson, Karen Fisher, Christiane Purcal, Chris Deeming, and Pooja Sawrikar, *Community attitudes to people with disability: Scoping project No. 39*, DISABILITY STUDIES AND RESEARCH CENTRE, UNIVERSITY OF NEW SOUTH WALES (2011); Harold Yuker, *Attitudes toward Persons with Disabilities*, Springer (1st Ed. 1988).

abilities that do not align with reality. This can impact the ability of people with disabilities to vote by, for example, making people (particularly those outside of their families) less willing to assist them with voting, and can also result in people with disabilities themselves being less willing to ask for assistance when needed.

VOTING BARRIERS FACING PEOPLE WITH DISABILITIES

Voter Participation

66. People with disabilities in Georgia and nationwide are less likely to vote than their non-disabled counterparts. Data from the Current Population Survey Voting and Registration Supplement, conducted by the Census Bureau every two years following national elections, show that 69.4% of eligible citizens with disabilities in Georgia were registered to vote in 2020 and 62.8% voted, compared to 70.9% and 66.4% of citizens without disabilities respectively. If the rate of voter turnout had been the same between people with and without disabilities, an additional 28,600 people with disabilities would have voted in Georgia in 2020. Although the Georgia disability gaps in voting and registration are within the margins of error (due in part to the small sample size), these gaps are similar to those in the U.S. as a whole, which are well outside the margins of error. The U.S. figures show that people with disabilities were 3.0 percentage points less likely to be registered to vote, and 5.7 points less likely to vote, and the larger U.S. sample means that we are at least 99.9% confident that there is an actual participation gap between people with and without disabilities in the total U.S. population. These figures are provided in **Table 8**. Similar disability participation gaps at the national level are found in all of

the 13 studies going back to the 1992 elections, which use differing samples and definitions of disability.¹⁴

67. In both the Georgia and overall U.S. samples, the disability voting gap is larger than the disability registration gap, indicating that lower voting among people with disabilities cannot be explained by lower registration rates.

68. The importance of variation across different types of disability is shown in the voting figures. Broken down by type of disability, national voter participation in 2020 was lowest among people with difficulty dressing or bathing (49.4%), cognitive impairments (50.7%), and difficulty going outside alone (51.6%), but participation was also low among those with visual impairments (59.2%) or mobility impairments (60.4%). These numbers are drawn from **Table 9**.

69. Research indicates that several factors contribute to the disability participation gap, including lower levels of education and income, lower levels of perceived political efficacy, and greater social isolation that reduces the likelihood of being recruited or supported to vote by friends, neighbors, or colleagues.¹⁵ Part of the gap can be traced to inaccessible voting systems, which not only make voting more physically difficult but can have psychological effects that discourage voting. Specifically, inaccessible voting systems can decrease perceptions that the political system is responsive to people like oneself, that people with disabilities have equal influence in the political system, and that people with disabilities are treated with equal respect

¹⁴ Summarized in Lisa Schur & Meera Adya, *Sidelined or Mainstreamed? Political Participation and Attitudes of People with Disabilities in the United States*, 93 SOCIAL SCIENCE QUARTERLY 811 (2012).

¹⁵ Lisa Schur, Todd Shields, Douglas Kruse, & Kay Schrinier, *Enabling Democracy: Disability and Voter Turnout*, 55 POLITICAL RESEARCH QUARTERLY 167 (2002); Lisa Schur, Todd Shields, & Kay Schrinier, *Generational cohorts, group membership, and political participation by people with disabilities*, 58 POLITICAL RESEARCH QUARTERLY 487 (2005); and Lisa Schur & Meera Adya, *Sidelined or Mainstreamed? Political Participation and Attitudes of People with Disabilities in the United States*, 93 SOCIAL SCIENCE QUARTERLY 811 (2012).

by public officials.¹⁶ Experiencing voting difficulties, such as problems getting into the polling place or using the voting equipment, is a predictor of these perceptions of political exclusion, and these perceptions in turn are tied to lower voter participation among people with disabilities.¹⁷

70. Feelings of political exclusion and lower perceived efficacy resulting from voting difficulties are illustrated in an anecdotal account by Jamie Ray-Leonetti, a wheelchair user, who said “It’s like being told that you’re invisible, or that your vote doesn’t matter . . . These people who are able to walk and see perfectly and navigate the world around them perfectly, they’re able to get into this location and vote with no difficulty. For me, I get in here, I get off the elevator, and the first thing I see is a table blocking my path. I’m not included here.”¹⁸

71. An important note is that voter participation can vary substantially across elections for citizens both with and without disabilities. An increase in participation in an election among people with disabilities does not necessarily indicate the absence of continued voting barriers that discourage participation.

Voting method

72. People with different types of disabilities face different barriers in accessing the ballot. Voting in person may pose barriers to people with mobility impairments, transportation problems, or other issues that make it hard to leave one’s home. This is particularly relevant to the 9.6% of Georgians who report travel-limiting disabilities as shown in **Table 7**, as well as the 9.0% of Georgians with a mobility impairment and 6.3% of Georgians who have difficulty going

¹⁶ Lisa Schur, Todd Shields, and Kay Schrinier, *Can I Make A Difference? Efficacy, Employment, and Disability*, 24 POLITICAL PSYCHOLOGY 1, March 2003, pages 119-149.

¹⁷ Lisa Schur, Mason Ameri, and Meera Adya, *Disability, Voter Turnout, and Polling Place Accessibility*, 98 SOCIAL SCIENCE QUARTERLY 1374 (2017).

¹⁸ Michaela Winberg, *‘I’m not included here’: People with disabilities face barriers to voting in Philly and beyond*, WHYY, October 15, 2020, <https://whyy.org/articles/voting-while-disabled-presents-challenges-for-philadelphians/>.

outside alone, as shown in **Table 1**. Voting in person may be more attractive, however, to the 3.1% of voting-eligible Georgians with vision impairments, who may be able to vote independently and confidentially only in a polling place with an accessible machine required by the 2002 Help America Vote Act (HAVA).

73. Overall, people with disabilities are much more likely to vote by mail, and voting by mail increased in 2020 due to the pandemic. Among Georgia voters in 2020, 44.7% of people with disabilities and 26.7% of people without disabilities voted using a mail ballot, as shown in **Table 8**. The rate of voting by mail is high across all of the major disability types, as shown in national data in **Table 9**. For many people with mobility restrictions, transportation barriers, and difficulty standing in long lines, voting by mail is effectively the only option they have to vote. While Census data are not yet available on disability and voting in the 2022 elections, early analysis of data from the Georgia Secretary of State indicates that mail voting dropped dramatically in Georgia from 2020 to 2022, and dropped to a greater extent than did mail voting in other states, indicating that SB 202 likely played a role in the large drop.¹⁹

74. Differences by disability status in the voting method used, however, existed before the pandemic. In the 2016 general election, Georgia voters with disabilities were more than twice as likely as voters without disabilities to vote by mail (12.0% compared to 4.9%, based on analysis of 2016 Current Population Survey Voting and Registration Supplement data).

Barriers to In-Person Voting

75. As noted above, the disability gap in voter participation is not fully explained by standard predictors of participation. Voting barriers thus appear to play a role, as voter

¹⁹ Nick Coradaniti, “Turnout Was Strong in Georgia, but Mail Voting Plummets After New Law,” NEW YORK TIMES, December 1, 2022.

participation is lower when voting is more time-consuming and difficult. People with disabilities can face extra barriers in:

- a. Finding or getting to the polling place, particularly for those facing transportation barriers and Internet-access limitations, as described above.
- b. Getting inside the polling place, particularly for those in wheelchairs or with visual impairments.
- c. Standing in line, particularly for those with chronic illnesses or health conditions that cause pain when standing or limit their endurance.
- d. Being prevented from voting by poll workers, particularly for those who appear to have a cognitive disability.
- e. Reading or seeing the ballot, particularly for those with cognitive or vision impairments.
- f. Understanding how to vote or use the equipment, particularly for those with cognitive, vision, or upper-arm-mobility impairments.
- g. Communicating with poll workers, particularly for those with hearing, speech, or cognitive impairments.
- h. Writing on the ballot, particularly for those with vision disabilities or disabilities that limit upper-body mobility.
- i. Physically operating the voting machine, particularly for those with vision disabilities or disabilities that limit upper-body mobility.

76. There is empirical evidence on several of these factors. Difficulty in finding or getting to polling places has been shown to lower voter participation among people in general.²⁰ These barriers are greater for people with disabilities: one study found substantially lower voter participation among people with mobility limitations in areas with streets in poor condition.²¹

77. Analysis of the Survey of the Performance of American Elections (SPAEE) conducted following the 2020 elections shows that 3.2% of all registered voters with disabilities in Georgia said they did not vote because “I tried to vote, but was not allowed to when I tried” compared to 0.2% of people without disabilities.²² In addition, 1.1% of Georgia registered voters with disabilities reported that “I tried to vote, but it ended up being too much trouble,” while 0.8% said they did not vote because “the line at the polls was too long,” compared to (respectively) 0.1% and 0.4% of Georgia registered voters without disabilities. Taken together, 5.4% of Georgia registered voters with disabilities said they did not vote for one of the above three reasons, compared to 0.7% of registered voters without disabilities—a highly significant gap at a 95% level of confidence. Applied to the population of eligible Georgia citizens with disabilities, this means 48,300 Georgians with disabilities did not vote for one of these three reasons.²³ These results indicate that

²⁰ Henry E. Brady & John E. McNulty, *Turning out to vote: The costs of finding and getting to the polling place*, 105 AMERICAN POLITICAL SCIENCE REVIEW 115 (2011).

²¹ Philippa Clarke, Jennifer Ailshire, Els Nieuwenhuijsen, Marijke de Kleijn–de Vrankrijker, *Participation among adults with disability: The role of the urban environment*, 72 SOCIAL SCIENCE & MEDICINE 1674 (2011).

²² The figures in this paragraph are derived from analysis of data from *Survey of the Performance of American Elections*, MIT ELECTION DATA + SCIENCE LAB, <https://electionlab.mit.edu/research/projects/survey-performance-american-elections> (last visited 2/28/2022). The data contain responses from 18,200 people registered to vote, including 1,000 in Georgia. No further information is available on what respondents meant by saying they were “not allowed” to vote. This could indicate legal barriers such as having their eligibility challenged, having a mail ballot rejected, not having proper ID, or being at the wrong polling place.

²³ This is calculated by multiplying the number of eligible Georgia citizens with disabilities (1,289,300 from Table 1) by the percent of eligible Georgia citizens with disabilities who are

the estimated voting gap between Georgia citizens with and without disabilities (from **Table 8**) is largely accounted for by a greater likelihood that registered voters with disabilities said they tried but were not allowed to vote, it was too much trouble, or they were dissuaded by the long lines.

78. One factor that may contribute to individuals not being allowed to vote is that 39 states restrict voting among people who are deemed incompetent or incapacitated.²⁴ These laws may be used to challenge the right to vote among people with disabilities who are in fact fully competent and qualified to vote, due to the strong stigma, bias, and stereotypes that are faced in particular by people with intellectual and developmental disabilities.²⁵ Responding to these challenges can take substantial time and energy, including learning about the challenge, getting appropriate counsel, getting to a hearing, and getting paperwork to defend against the challenge.

79. In national data from the 2020 DVAS, **Table 10** shows that over one-sixth (18.0%) of people with disabilities who voted at a polling place or election office reported at least one or more barriers, which was almost twice the rate of voters without disabilities (9.8%). The rate of barriers was especially high among those with cognitive impairments (30.0%) and those needing help with daily activities (24.8%).

80. Specific barriers are also listed in **Table 10**. The most common polling place barriers people with disabilities faced were difficulty waiting in line (7.4% among all polling place voters

registered to vote (69.4% from Table 8) by the percent who did not vote for one of these three reasons (5.4%). Broken down by reported problem, an estimated 28,600 said they tried to vote but were not allowed, 9,800 said they tried to vote but it was too much trouble, and 7,200 said they did not vote because the lines at the polls were too long.

²⁴ “Thousands Lose Right to Vote Under ‘Incompetence’ Laws,” Pew Charitable Trusts Stateline, March 21, 2018, <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2018/03/21/thousands-lose-right-to-vote-under-incompetence-laws>; Friedman, C. “Every Vote Matters:” *Experiences of People with Intellectual and Developmental Disabilities in the 2016 United States General Election*. REVIEW OF DISABILITY STUDIES: AN INTERNATIONAL JOURNAL, 14(1) (2018).

²⁵ Katarina Scior, *op. cit.*

with disabilities), difficulty reading or seeing the ballot (3.8%), and getting inside the polling place (3.2%). These problems were especially likely among those with vision and mobility impairments and those needing help in daily activities.²⁶ Measures that make it more difficult to vote by mail will likely increase the number of people with disabilities going to polling places (if they vote at all) and will exacerbate problems of long lines.

81. News reports provide examples from across the country of several of these barriers to voting at polling places:

- a. Liam Dougherty, who has a progressive muscular disability, has had problems getting inside polling places, waiting in line due to bladder control issues, and having poll workers not know how to lower the machine to reach his wheelchair.²⁷
- b. Sabrina Epstein is “physically unable to stand in long lines to vote” and sees images of long lines at polling places as “images of inaccessibility.”²⁸
- c. Elizabeth Clay, who is missing her right leg, has difficulty navigating city streets and getting to her polling place.²⁹

²⁶ See Thad E. Hall & R. Michael Alvarez, *Defining the Barriers to Political Participation for Individuals with Disabilities*, THE INFORMATION TECHNOLOGY AND INNOVATION FOUNDATION, May 14, 2012, <https://elections.itif.org/reports/AVTI-001-Hall-Alvarez-2012.pdf> (describing problems of polling place access, reading the ballot, and understanding the voting process among focus group participants with disabilities in Los Angeles in 2010).

²⁷ Winberg, *op. cit.*

²⁸ Tonya Mosley and Elie Levine, *Voters with disabilities face an inaccessible system*, WBUR HERE AND NOW, October 28, 2020.

²⁹ *Id.*

- d. Xian Horn, who has cerebral palsy, found the wheelchair-accessible entrance of her polling place blocked by trash cans.³⁰
- e. Emily Ladau, who has Larsen syndrome which affects bone development, found the accessible entrance to her polling place locked and had to rely on her father to go in through the main entrance to ask a poll worker to open the door.³¹
- f. LouAnn Blake, who is blind, found that poll workers did not know how to set up the audio ballot technology at her voting location.³²
- g. Kathy Hoell, a wheelchair user with a brain injury, was initially denied permission to vote because poll workers told her she is not “smart enough,” and has had poll workers lead her to stairs she could not climb and prevent her from using an accessible voting machine because they had not turned it on.³³

82. In addition, anecdotal reports from voters with disabilities collected around the country by a disability organization regarding voter experiences in the 2020 election included³⁴:

- a. “I could not turn on the screen”
- b. “No headsets were available”

³⁰ Maggie Astor, *‘A Failed System’: What It’s Like to Vote With a Disability During a Pandemic*, NEW YORK TIMES, September 25, 2020.

³¹ *Id.*

³² Jeanine Santucci, *30 years after the ADA, access to voting for people with disabilities is still an issue*, USA TODAY, July 26, 2020.

³³ Matt Vasilogambros, *How Voters With Disabilities Are Blocked From the Ballot Box*, PEW TRUSTS, February 1, 2018, <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2018/02/01/how-voters-with-disabilities-are-blocked-from-the-ballot-box>.

³⁴ *Experience Survey Results: Power of the Disability Vote*, SABE GOVOTER PROJECT, 2021, <https://www.sabeusa.org/wp-content/uploads/2021/10/SABE-GoVoter-2020-Survey-Report.pdf>.

- c. “Headsets available, did not work”
- d. “Poll worker did not know how to turn on the audio features”
- e. “Poll worker did not know how to make the sound louder or softer”
- f. “I did not know how to ‘go back’ or change who or what I voted for”
- g. “Had error message and could not vote”
- h. “Had to vote in person because I did not get my mail-in or absentee ballot”
- i. “Could not understand my ballot”

Barriers to Voting With a Mail Ballot

83. Potential barriers to voting with a mail ballot include:

- a. Complicated instructions in applying for a mail ballot
- b. Application requirements to identify as a person with a disability, which many people with significant impairments are reluctant to do due to disability stigma noted above
- c. The requirement to apply for a mail ballot for every election
- d. Difficulty reading or seeing the ballot, particularly for people with visual impairments
- e. Difficulty understanding the ballot or how to fill it out, particularly for people with cognitive or developmental disabilities
- f. Difficulty filling out the ballot or placing it in an envelope, particularly for people with limited dexterity
- g. Difficulty taking the ballot to a mailbox, a drop box, or an election office, particularly for people with mobility impairments or difficulty going outside

alone—these difficulties are likely to be magnified when drop box locations are restricted

- h. Postage expense in mailing the ballot in locations where stamps are required to return a ballot

84. In the 2020 DVAS survey, the overall rate of difficulty in voting with a mail ballot was 5.4% among voters with disabilities. The rate was especially high among those with visual impairments (22.1%), who expressed the most difficulties with reading and filling out the ballot, as shown in **Table 11**.

85. Barriers to voting by mail are exemplified in the following news stories from across the country:

- a. Jack Dougherty voted by mail in 2020 after many experiences of barriers to voting at a polling place. Due to dexterity issues, he said he had difficulty in filling out the bubbles on the mail ballot and writing his name and address on the correct lines.³⁵
- b. Katie Maunder, who is blind, said she could not have filled out her mail ballot without her mother's help.³⁶
- c. Sheryl Grossman has Bloom syndrome, a genetic disorder that weakens her immune system and causes cognitive disabilities. She cannot safely go to a polling place or allow anyone into her home, and she cannot complete a mail ballot, so she had to tape her mail ballot to her door with a list of choices and

³⁵ Winberg, *op. cit.*

³⁶ *Id.*

watch as election officials filled out and sealed the ballot.³⁷ Her ballot was therefore not confidential.

86. In addition, anecdotal reports from voters with disabilities regarding their experiences with mail ballots in the 2020 election included descriptions of a number of barriers that may help explain some of the difficulties people with disabilities experience in voting by mail.³⁸

- a. “I had to ask for help.”
- b. “I had problems understanding how to complete the ballot.”
- c. “I had problems mailing my ballot.”

87. Experiencing these types of difficulties predicts negative attitudes among people with disabilities that discourage voting in the future.³⁹

88. Measures that make it more difficult to vote by mail will likely increase the number of people with disabilities going to polling places (if they vote at all) and will exacerbate problems of long lines.

89. While voting by mail presents difficulties for some voters, it is preferred to voting in person by many people with disabilities. Given the variety of types and severity of disability that create challenges in exercising the right to vote, it is important that a wide variety of voting options be available so that individuals can find options that work best for them.

³⁷ Maggie Astor, *‘A Failed System’: What It’s Like to Vote With a Disability During a Pandemic*, NEW YORK TIMES, September 25, 2020.

³⁸ *Experience Survey Results: Power of the Disability Vote*, SABE GOVOTER PROJECT, 2021, <https://www.sabeusa.org/wp-content/uploads/2021/10/SABE-GoVoter-2020-Survey-Report.pdf>.

³⁹ Lisa Schur, Mason Ameri, and Meera Adya, *Disability, Voter Turnout, and Polling Place Accessibility*, 98 SOCIAL SCIENCE QUARTERLY 1374 (2017).

Need for Assistance in Voting

90. As described earlier, about two-fifths of Georgians with disabilities need assistance with one or more activities of daily living. Many people who need assistance with activities of daily living will also need voting assistance, since voting requires functional abilities that are often similar or the same as those needed to perform activities of daily living (for example, manual dexterity needed for getting dressed or preparing meals is also needed in operating most voting machines or opening and sealing most mail ballots). In national data from the 2020 DVAS, 6.2% of people with disabilities who voted at a polling place reported needing assistance in voting, compared to 3.7% of those without disabilities.⁴⁰ Among those who voted by mail, 10.5% of people with disabilities reported needing assistance in doing so, compared to 1.1% of voters without disabilities.⁴¹ The especially high need for assistance in mail voting among people with disabilities is probably due to the greater likelihood of severe disability among those who vote by mail.

91. Among people with disabilities who needed assistance in voting in a polling place, such assistance was most commonly provided by election officials (54%), family members (19%), and home aides (6%).⁴² Among those who needed assistance in voting with a mail ballot, such assistance was provided by friends, neighbors, or other non-relatives apart from health aides in 14% of the cases (8% by friends and neighbors and 6% by other non-relatives).

92. People with disabilities are less likely to be able to vote independently (without assistance) with no difficulties. The 2020 DVAS found that over one-fifth (21.3%) of in-person

⁴⁰ From results reported at <https://www.eac.gov/election-officials/us-election-assistance-commission-study-disability-and-voting-accessibility-2020>, Table 17. The difference of 2.7 points is within the 3.1 point margin of error.

⁴¹ *Ibid.* The difference of 9.4 points is outside the 3.5 point margin of error.

⁴² *Ibid.*

voters with disabilities either required assistance or had difficulties in voting, which is almost twice the 11.9% rate among voters without disabilities.⁴³ There was also a disability gap among mail voters, where 14.0% of voters with disabilities either required assistance or had difficulties in voting compared to 3.2% of voters without disabilities.

93. As described earlier, Georgians with disabilities are more likely than those without disabilities to live in institutional group quarters such as nursing homes and assisted living settings. Those in institutions generally have more severe disabilities and are more likely to require assistance in voting and daily activities. There is, however, tremendous variation in registration and voting procedures, staff attitudes, and likelihood of voting in nursing homes and assisted living settings; one study found that residents who wanted to vote were unable to do so at nearly one-third of sites, and that staff and administrator attitudes were a critical factor in their access to voting.⁴⁴

94. Assistance in voting can take many forms, including but not limited to: driving someone to the polls, helping them get inside the polling place, providing support as they wait in line, helping them understand how to vote, reading and explaining words on the ballot, helping with the physical act of marking a ballot or operating the voting machine, and requesting and returning a mail ballot. When people with disabilities receive assistance in various aspects of the voting process, this does not suggest the assistor is “voting for” the person with a disability or exercising improper influence over the voter. A substantial body of literature supports the idea that people with cognitive disabilities, including intellectual and developmental disabilities, can make important decisions, such as voting, while relying on trusted assistors in executing those

⁴³ Calculated from *Ibid.*, Table 18.

⁴⁴ Jason H.T. Karlawish et al., *Identifying the barriers and challenges to voting by residents in nursing homes and assisted living settings*, 20 J. AGING SOC. POLICY 65 (2008).

decisions.⁴⁵ Such assistance can “facilitate the exercise of autonomy” for individuals with certain neurological or cognitive conditions.⁴⁶ In the context of voting, this assistance often involves more than just reading the ballot aloud and helping people to mark it. This assistance for both in-person and mail voting can include activities such as:

- a. Using an American Sign Language (ASL) interpreter to interpret the ballot to someone who is deaf and does not read written English fluently. ASL and English are different languages with different syntax and grammar. ASL sometimes requires a signed explanation and interpretation of key terms and concepts.
- b. Reminding someone with memory issues from a Traumatic Brain Injury about how to use his or her marked sample ballot to refresh recollection about how he or she wanted to vote.
- c. Using simple plain language to help someone with cognitive or developmental disabilities understand the voting process. This can include answering the voter’s questions about the voting process or the language on the ballot.
- d. Helping someone with mobility, dexterity, or cognitive impairments vote in person (navigating the physical polling place, speaking to the poll workers) or with a mail ballot (requesting, filling out, and returning the ballot).

⁴⁵ *Id.*; Raymond Raad, Jason Karlawish, & Paul S. Appelbaum, *The capacity to vote of persons with serious mental illness*, 60 PSYCHIATRIC SERVICES 624 (2009); Jason H. Karlawish et al., *Addressing the ethical, legal, and social issues raised by voting by persons with dementia*, 292 JAMA 1345 (2004); Andrew Peterson, Jason Karlawish, and Emily Largent, *Supported Decision Making With People at the Margins of Autonomy*, 21 AM. J. BIOETHICS 4 (2021).

⁴⁶ Andrew Peterson, Jason Karlawish, and Emily Largent, *Supported Decision Making With People at the Margins of Autonomy*, 21 AM. J. BIOETHICS 4 (2021).

- e. Helping someone with Autism Spectrum Disorder cope with stressful voting lines, noises, sensations, or lights. This may include implementing calming strategies to support the person so that he or she votes without triggering feelings of being overwhelmed.
- f. Helping someone with a visual impairment use an accessible voting machine in the polling place or fill out and return a mail ballot.
- g. Helping a person with an anxiety disorder cope with the anxiety of a possibly new and stressful situation of navigating the voting process. This may include verbal reassurance that the person marked the ballot in the manner he or she intended.

**SB 202 IMPOSES BARRIERS ON GEORGIA VOTERS WITH
DISABILITIES THAT WILL MAKE IT HARDER FOR THEM
TO VOTE AND MAY PREVENT SOME FROM VOTING
ALTOGETHER**

95. The above findings are relevant to an analysis of the likely effects of SB 202 on the ability to vote among people with disabilities. Drawing on these data and my knowledge of the voting needs of people with disabilities, it is my opinion that SB 202 will impose barriers to voting on a significant number of Georgians with disabilities, and collectively the barriers will interact to further discourage voting. These barriers are tied to the substantial disparities that people with disabilities face in employment, income, transportation, Internet access, social isolation, stigma, and bias. The following provisions of SB 202 make it harder for Georgians with disabilities to vote and may prevent some from voting altogether. The sections that restrict the ability to vote by mail include:

96. Section 47: Imposing additional barriers to providing assistance in delivering completed absentee ballots. This section adds language to subsection (a) of Code Section 21-2-568, making it a felony to help someone deliver a completed absentee ballot unless the assister is one of the individuals listed in section 21-2-385 (a family member, household member, or caregiver). I conclude with a reasonable degree of certainty, based on the above data, that these new criminal penalties are likely to harm the ability to vote of Georgians with disabilities in several ways. Many Georgians with disabilities receive assistance from people who are not family members, household members, or caregivers. Among all Georgians with disabilities, 6.8% receive assistance in activities of daily living from friends, neighbors, or other non-relatives apart from paid help and partners/companions (**Table 5**). This represents 168,800 Georgians with disabilities.⁴⁷

- a. It is likely that many of the 44% of Georgians with disabilities who require assistance with activities of daily living (**Table 5**) also require assistance with tasks related to voting and will find it more difficult to obtain needed voting assistance as a consequence of reluctance of individuals to provide assistance due to the fear of being charged with a felony.
- b. The uncertainty over who can legally deliver a ballot as a “caregiver” will add to the reluctance of non-family non-household members to provide assistance.
- c. As described above, national data show that 10.5% of people with disabilities who voted by mail needed assistance in voting in the 2020 elections. Among those

⁴⁷ Calculated by multiplying the Georgia voting-eligible population (7,783,700 from **Table 1**) by the SIPP percentage of Georgians with disabilities (44.4% in **Table 5**) by the sum of people with disabilities reporting assistance from friends, neighbors, or other non-relatives (4.2% + 2.6% with no overlap from **Table 5**), which equals 168,826.

who needed assistance in voting by mail, 14% reported the assistance was provided by a friend, neighbor, or other individual who would not qualify as a legal assister (family member, household member, or caregiver) and would thus face felony charges for returning or delivering a completed absentee ballot.

- d. As described above, 9.6% of voting-age Georgians have a travel-limiting disability; these individuals are less likely to drive and more likely to live in a zero-vehicle household (**Table 7**). Transportation barriers can make it difficult to mail or deliver an absentee ballot to an election office. Assistance in delivering an absentee ballot may be difficult or impossible to obtain from family or household members as people with disabilities are less likely than those without disabilities to be married and are more likely to live alone (**Table 4**). Difficulties in returning ballots on time will be exacerbated by a shorter time for returning ballots in combination with transportation difficulties and social isolation. Therefore, this provision raises barriers to voting for many people with disabilities.
- e. Section 21-2-568(a)(5), which was added by Section 47 of SB 202, makes it a felony to accept for delivery or return an absentee ballot unless the person is the family or household member or “caregiver” of a “disabled” voter. The restrictions on who can return the absentee ballot of another person predate SB 202; however, the terms “caregiver” and “disabled” are not defined and are likely to create confusion and concern about criminal penalties for even inadvertent violations. For example, is a neighbor who delivers groceries or makes homemade meals for a person with disabilities a qualifying caregiver? Does the term “disabled” include voters with psychiatric disabilities? (Note that section 21-2-385(b), which

predates SB 202, limits who can receive assistance in “preparing” a ballot to people who have physical disabilities or are illiterate.)

- f. In addition, existing law (21-2-384(b)) references oath requirements for assistors and penalties for violation of the oath requirement. The oath requirement contained in 21-2-384(c)(1) predates SB 202 and requires an assistor to swear that the voter is “unable to read the English language or he or she has a disability which renders him or her unable to see or mark the ballot or operate the voting equipment or to enter the voting compartment or booth without assistance” (21-2-409(a)) but then also requires the assistor to check a box which limits the reason for needing assistance to a physical disability. Punishment for even inadvertent violation of the oath requirement includes the new felony punishment for unauthorized return of a ballot contained in 21-2-568 which was added in Section 47 of SB 202.

97. As such, the new criminal penalties imposed by Section 47 will make it harder for people with disabilities to vote. Therefore, I conclude that this section will cause some Georgians with disabilities to be disenfranchised and a further substantial number to face significant difficulties in voting because of their disabilities that they would not otherwise face but for SB 202.

98. Sections 25 and 27: Restricting access to mail ballots. These sections restrict both the time windows and the process for requesting and mailing absentee ballots, adding additional barriers to an already confusing and unnecessarily complicated scheme. I conclude with a reasonable degree of certainty, based on the above data, that these provisions are likely to harm the ability to vote of Georgians with disabilities in several ways. Voting by mail is critical for many people with disabilities:

- a. Many people with disabilities either must vote by mail due to their disabilities or find it less difficult to vote by mail due to their disabilities. As noted above, an estimated 6.2% of all Georgia citizens, or 483,700, have disabilities that create difficulty in going outside alone.
- b. As also documented above, over two-fifths (44.7%) of Georgia voters with disabilities voted in 2020 using a mail ballot, compared to 26.7% of voters without disabilities (a difference well outside the margin of error). Making it more difficult to vote by mail could therefore create barriers for over two-fifths of Georgian voters with disabilities.
- c. Turning to specific provisions, the **Section 25 ID requirements for absentee ballot applications** will be onerous for many people with disabilities. If a person does not have a driver's license or state ID, this section requires that a person make a copy of another acceptable ID in order to apply for a mail ballot. Estimates based on 2016 SPAE data indicate that about 80,000 Georgians with disabilities do not have a driver's license or other government-issued photo ID. As documented above, people with disabilities are less likely than people without disabilities to have access to a printer that can be used to copy documentation. Finally, the data that demonstrate greater travel barriers for people with disabilities indicate that it is more difficult and costly for voters with disabilities to travel to a site where they can make a copy of an acceptable ID. Over half of voting-age Georgians with disabilities agree that travel is a financial burden (**Table 7**). The cost may be especially burdensome for people with disabilities

who live in poverty because of other challenges pertaining to new and existing absentee voting barriers in Georgia. For example:

- i. **Disallowing permanent mail ballots** creates a burden for many people with disabilities by requiring that they re-apply each year for a mail ballot. Many people have permanent disabilities that necessitate the use of a mail ballot in each election. Having to apply each year—and in a narrower time window—creates an extra hurdle for Georgian voters with disabilities, particularly for those who may require assistance or face financial costs in reapplying.
- ii. The limitation **that only age and disability qualify a voter to receive mail ballots for a full election cycle** can discourage people from applying due to the extensively-documented stigma associated with disability.
- iii. The **Section 25 provision shortening the time frame for absentee ballot applications** is likely to cause some people with disabilities to miss the deadline for applying for an absentee ballot, particularly those who lack Internet access or face disability-related barriers for which they cannot obtain assistance.
- iv. The **requirement that only an “illiterate or physically disabled elector” can receive assistance in completing an absentee ballot application** will deny assistance to people with other disabilities who need assistance. In the 2020 DVAS survey, 13.1% of mail voters with cognitive impairments needed assistance in voting by mail. This category includes many people who would not be considered “illiterate” but who have

anxiety disorders or other difficulties concentrating, remembering, or making decisions that create a need for assistance in basic tasks like filling out forms.

- d. In addition to the barriers summarized above, the **Section 25 and 27 restrictions on voter assistance** may dissuade potential assisters due to uncertainty about whether a voter is entitled to receive assistance and concerns about potentially being charged with a crime. The resulting confusion along with potential criminal punishment, is likely to deter assistors from helping disabled voters, and deter disabled voters from asking for assistance for fear of getting their friends or neighbors in trouble. This will leave many Georgian voters with disabilities unable to vote because they cannot receive the necessary assistance to do so. By way of example:

- i. Section 25 adds a requirement that no one, other than an authorized relative or a person assisting an illiterate or physically disabled voter, may handle a voter's completed absentee ballot application; violations are punishable as a misdemeanor.
- ii. Section 27 adds felony punishment to anyone who unseals a sealed absentee ballot envelope, except for (among others), those who are authorized to assist a disabled voter pursuant to 21-2-409. Section 21-2-409 predates SB 202 and permits a disabled voter to select their assistor (with some limitations) but appears to involve voting in person.
- iii. Section 27 adds a requirement for voters to swear they did not permit anyone other than "an authorized person lawfully assisting" them to

observe the marking of their ballot if they are “entitled to assistance” (21-2-384(b)) but does not define either of those phrases. The Georgia Election Code has varying requirements for who is eligible to assist and to receive assistance in the voting process and it is unclear what the terms in this section refer to. For instance, 21-2-385(b) allows a “physically disabled or illiterate voter to receive assistance “preparing” a ballot from the person of their choice (with some limitations) but only a family household member, or caregiver may return the ballot of a “disabled” voter (21-2-385(a)).

- e. It bears noting that Section 208 of the federal Voting Rights Act allows voters with disabilities to select their assistor, except for their employer or union representative. Thus, the confusing, complicated, and contradictory provisions of Georgia’s Election Code that predate and are contained in SB 202 impose barriers to voters with disabilities that likely impede voter access without justification. The new barriers and penalties on absentee voting imposed by Section 25 and 27, on top of existing restrictions, will make it harder for people with disabilities to vote. Therefore, I conclude that this section will cause some Georgians with disabilities to be disenfranchised and a further substantial number to face significant difficulties in voting that they would not otherwise face but for SB 202.

99. Section 26: Reducing availability of drop boxes. Close to one-sixth (15.7%) of voters with disabilities in the United States used a drop box in 2020. I conclude with a reasonable degree of certainty, based on the above data, that the restriction on availability of drop boxes is likely to create barriers for many Georgians with disabilities to vote in several ways:

- a. Given the transportation difficulties faced by many people with disabilities, a smaller number of drop boxes increases the difficulty in delivering a ballot and eliminates the advantages that drop boxes were designed to provide. In addition, requiring that drop boxes be “located outside the office of the board of registrars or absentee ballot clerk or outside of locations at which advance voting is taking place” only in an emergency means that many people with disabilities will face additional transportation and mobility challenges associated with the time and effort needed to get to and go inside an office to deliver a ballot. This is not simply an issue of whether the buildings are ADA compliant: even if the buildings are compliant, it is still an extra burden for people with mobility impairments (e.g., in wheelchairs) to be forced to get out of their vehicles and go inside an office to deliver their ballots. As noted, an estimated 680,300 Georgia citizens have mobility impairments and 483,700 have disabilities that create difficulty in going outside alone.
- b. Along with the additional time and energy involved in going inside a building, many people with disabilities have compromised immune systems and will be concerned about going into offices due to the risk of acquiring COVID-19 or another disease.
- c. As such, the new barriers imposed by Section 26 will make it harder for people with disabilities to vote. Therefore, I conclude that this section will cause some Georgians with disabilities to be disenfranchised and a further substantial number to face significant difficulties in voting because of their disabilities that they would not otherwise face but for SB 202.

100. The sections that restrict the ability to vote in person include the following:

101. Section 33: Decreasing assistance at polling places. Waiting in line can be onerous for many people with disabilities. I conclude with a reasonable degree of certainty, based on the above data, that close to 1% of registered voters with disabilities in Georgia, representing about 7,800 people, reported that they were dissuaded from voting in 2020 by the prospect of long lines at the polls that were well documented, indicating that their voter turnout could have been almost a full percentage point higher if long lines were not an issue. Also, national data show that among people with disabilities who voted at a polling place, 7.4% reported difficulty waiting in line. Section 33 specifically restricts giving food or drink to an elector who is waiting in line except to the extent a polling place chooses to set up a self-service water station. Such sustenance can be especially important to many people with disabilities, such as those with diabetes, fatigue, epilepsy, migraines, anxiety, or other conditions with unpredictable flare-ups who cannot anticipate exactly when they will need food or drink to ameliorate their condition or take medicine, and who may face lines that are longer than expected. As such, the new barriers imposed by Section 33 will make it harder for people with disabilities to vote. Therefore, I conclude that this section will cause some Georgians with disabilities to be disenfranchised and a further substantial number to face significant difficulties in voting because of their disabilities that they would not face but for SB 202.

102. Sections 34 and 35: Making it harder to vote if citizen shows up at the wrong polling place. If the polling place location has been closed or changed, as happened to many

polling places in 2020⁴⁸, people with disabilities are less likely to be aware of this given their lower Internet access and greater social isolation that decreases the likelihood they will learn about changes from family members, friends, and others. Also, if a person with a disability arrives at the wrong polling place, they may face significant difficulties getting to the correct polling place given the transportation challenges they often face and their lower likelihood of having a car they can drive (**Table 7**). I conclude with a reasonable degree of certainty, based on the above data, that the new barriers imposed by Section 34 will make it harder for people with disabilities to vote. Therefore, I conclude that this section will cause some Georgians with disabilities to be disenfranchised and a further substantial number to face significant difficulties in voting that they would not otherwise face but for SB 202.

103. Section 28: Reducing advance voting days for runoff elections. Limits on advance voting days for runoff elections constrain the voting opportunities for a large portion of Georgian voters with disabilities, as over two-fifths (43.4%) of them voted early at a polling place or election office in 2020 (**Table 8**). This can create extra scheduling difficulties for those who need to coordinate with family or non-family members to obtain assistance in voting in runoff elections, or who need to arrange paratransit services that may be difficult to schedule (e.g., such services typically must be arranged at least one day in advance with a fixed time for return that may be difficult to predict, and the services are often a first-come/first-serve basis).⁴⁹ It is also likely to contribute to longer lines on the days advance voting is available, which in turn will discourage voting in runoff elections.

⁴⁸ See, e.g., *For Nonwhite Georgia Voters, Numbers Have Soared As Polling Places Dwindled*, Georgia Public Broadcasting, October 17, 2020, <https://www.gpb.org/news/2020/10/17/for-nonwhite-georgia-voters-numbers-have-soared-polling-places-dwindled>.

⁴⁹ See, e.g., the paratransit services offered in Cobb County, Georgia, at <https://www.cobbcounty.org/transportation/transit/paratransit>.

104. In addition, Section 28 provides that information on advance voting will be posted on websites and requires publication in the print media only if the county election office does not have a website. Among Georgians with disabilities, however, 40% do not access the Internet at home or elsewhere (**Table 6**). If the county election office has a website and chooses not to publish information in print media, the wording of this section means that some people with disabilities who do not have Internet access will not receive information on advance voting. I conclude with a reasonable degree of certainty, based on the above data, that new barriers imposed by Section 28 will make it harder for Georgians with disabilities to vote. Therefore, I conclude that this section will cause some Georgians with disabilities to be disenfranchised and a further substantial number to face significant difficulties in voting that they would not otherwise face but for SB 202.

105. Section 15: Making it easier to challenge voter qualifications. The expansion of ability to challenge voter qualifications is likely to be used against many people with intellectual and developmental disabilities and those living with mental illness given the history of questioning the competency of voters with disabilities to exercise their right to vote. There are a number of steps in responding to a challenge—including learning about it, getting appropriate counsel, getting to a hearing, and getting paperwork to defend against the challenge—and all of these steps involve time and costs. I conclude with a reasonable degree of certainty, based on the above data, that the time, energy, and financial costs of responding to a challenge are very likely to be high for many Georgians with disabilities, given the lower financial resources, lower Internet access, higher transportation barriers, and greater social isolation and feelings of stigmatization of people with disabilities. As such, the new barriers imposed by Section 15 will make it harder for people with disabilities to vote. Therefore, in my expert opinion, I conclude

that this section will cause some Georgians with disabilities to be disenfranchised and a further substantial number to face significant difficulties in voting that they would not otherwise face but for SB 202.

106. Section 20: Restricting mobile polling places. This section restricts mobile polling places that put polling access closer to where a citizen lives. I conclude with a reasonable degree of certainty, based on the above data, that many Georgians with disabilities face mobility or transportation challenges that make these polling places highly useful in exercising the right to vote. In particular, by coming to locations where many people with disabilities live rather than requiring them to travel to a fixed polling place, these mobile facilities are useful to many people with disabilities who live in assisted living facilities, nursing homes, and psychiatric institutions or who face transportation or mobility difficulties. As such, the new barriers imposed by Section 20 will make it harder for people with disabilities to vote. Therefore, I conclude that this section will cause some Georgians with disabilities to be disenfranchised and a further substantial number to face significant difficulties in voting that they would not otherwise face but for SB 202.

107. While each of the above provisions on its own makes it more difficult for people with disabilities to vote, the total effect is likely to be even greater than the sum of their individual effects because of how they interact. For example, restrictions on voting by mail may cause more people with disabilities to try to vote at a polling place, but this is likely to increase problems of long lines at polling places and fears of being turned away that will decrease voting in person. In addition to specific barriers, the cumulative effect of restrictions may send a message to people with disabilities that they are not valued participants in the political process. The combination of

all these restrictions is likely to have a cumulative negative impact on voting among Georgia citizens with disabilities.

Conclusion

108. In sum, in my opinion, based on reasonable certainty and widely accepted data, SB 202 will create an extra burden on voting for a significant number of people with disabilities across the state of Georgia and may prevent some from voting altogether. As documented above, people with disabilities already face many physical, social, and economic disparities that impact their ability to vote, including a high rate of needing assistance in activities of daily living, higher likelihood of living alone, lower likelihood of driving or travel in general, lower likelihood of Internet access, and lower economic resources compared to those without disabilities. They also must contend with well-documented social stigma that both reflects and reinforces their social isolation and increases the difficulty of obtaining necessary resources and assistance in exercising the right to vote. These factors help account for their lower voter turnout relative to people without disabilities. On top of existing voting barriers for many Georgians with disabilities, SB 202 creates extra barriers that make it more burdensome for them to exercise their right to vote. These extra barriers could cause a cascading effect that compounds the burden on people with disabilities to cast a ballot. In my expert opinion, SB 202 will cause some Georgians with disabilities to be disenfranchised entirely and a further substantial number to face significant barriers to voting that they would not otherwise face but for SB 202.

Table 1: Disability Prevalence in Georgia Using Census Definition, 2021

Figures are for Georgia citizens age 18 or older.

	Number	% of adult citizens	Margin of error (+/-)
	(1)	(2)	(3)
Total citizens age 18 or older	7,783,700	100.0%	
No disability	6,510,400	83.6%	0.4%
Disability	1,273,300	16.4%	0.4%
Type of disability			
Hearing impairment	335,900	4.3%	0.2%
Vision impairment	258,400	3.3%	0.2%
Cognitive impairment	479,700	6.2%	0.2%
Mobility impairment	680,300	8.7%	0.3%
Difficulty with dressing or bathing	242,500	3.1%	0.2%
Difficulty going outside home alone	483,700	6.2%	0.2%
Sample size	74,106		

Based on analysis of U.S. Census Bureau's 2021 American Community Survey microdata. A disability is defined as having one or more of the six conditions listed. See <https://www.census.gov/topics/health/disability/guidance/data-collection-ac.html>.

The margin of error is based on a 95% confidence interval.

Table 2: Disability Prevalence Using More Expansive Definition
Figures represent percent of Georgia adults age 18 or older

	Percent	Margin of error (+/-)
	(1)	(2)
Any disability	31.9%	3.2%
Hearing impairment	5.5%	1.5%
Vision impairment	6.4%	1.6%
Speech impairment	3.0%	1.1%
Difficulty with physical activities:		
Walking 3 blocks	16.7%	2.5%
Climbing stairs	14.4%	2.3%
Lifting	10.9%	2.0%
Grasping	5.5%	1.4%
Standing [^]	18.6%	2.6%
Pushing/pulling [^]	16.8%	2.5%
Sitting [^]	9.0%	1.9%
Crouching [^]	22.4%	2.8%
Reaching [^]	10.2%	2.0%
Difficulty with activities of daily living due to physical or mental condition:		
Any of below	15.5%	2.5%
Getting around inside home	2.2%	1.0%
Going outside home for errands	8.9%	1.9%
Getting in bed or chair	5.4%	1.5%
Taking bath or shower	4.3%	1.3%
Getting dressed	3.1%	1.1%
Eating	0.7%	0.5%
Using toilet	2.0%	0.8%
Keeping track of money	5.1%	1.5%
Preparing meals	6.6%	1.6%
Doing light housework	6.7%	1.6%
Taking medicine	3.2%	1.2%
Using telephone	1.5%	0.8%
Mental or cognitive impairment:		
Learning disability	2.5%	1.0%
Alzheimer's, senility, or dementia	3.5%	1.2%
Intellectual disability	1.5%	0.8%
Developmental disability	0.7%	0.6%
Other mental/emotional condition	4.2%	1.4%
Sample size	894	

[^] These conditions were not included as part of the expanded disability definition but are reported here to illustrate the range of limitations faced by people with disabilities. Based on analysis of 2014 Survey of Income and Program Participation SSA Supplement microdata. Discussion of the disability definition and fuller results for entire U.S. are in <https://www.census.gov/library/publications/2018/demo/p70-152.html>. The margin of error is based on a 95% confidence interval.

Table 3: Disability and Demographic Characteristics in Georgia, 2021

Figures are for Georgia citizens age 18 or older.

	Total with disability	Total with no disability	% with disability	Margin of error (+/-)
	(1)	(2)	(3)	(4)
Total citizens age 18 or older	1,273,300	6,510,400	16.4%	0.4%
Female	678,300	3,386,300	16.7%	0.5%
Male	595,000	3,124,100	16.0%	0.5%
Asian	19,500	220,100	8.1%	1.5%
Black non-Hispanic	409,900	2,018,000	16.9%	0.7%
Hispanic	52,600	402,800	11.6%	1.5%
Native American/Alaskan	2,600	11,200	18.8%	7.4%
White non-Hispanic	728,100	3,605,300	16.8%	0.4%
Other race/ethnicity	60,600	253,100	19.3%	1.9%
Age 18-34	188,400	2,161,600	8.0%	0.5%
Age 35-49	188,000	1,739,900	9.8%	0.6%
Age 50-64	349,800	1,602,000	17.9%	0.7%
Age 65-74	257,000	717,000	26.4%	1.1%
Age 75-84	193,600	249,500	43.7%	1.7%
Age 85+	96,500	40,400	70.5%	2.8%
No HS degree	238,000	545,700	30.4%	1.5%
HS degree	430,900	1,777,500	19.5%	0.7%
Some college, no degree	271,000	1,418,800	16.0%	0.8%
Associate's degree	90,700	543,500	14.3%	1.2%
Bachelor's degree	147,700	1,381,900	9.7%	0.6%
Graduate degree	95,000	842,900	10.1%	0.8%
Overall sample size	14,039	60,067		

Based on analysis of U.S. Census Bureau's 2021 American Community Survey microdata.

The margin of error is based on a 95% confidence interval.

Table 4: Economic Status and Living Situation of People with Disabilities, 2021

Figures are for Georgia citizens age 18 or older

	Disability	No disability	Disability gap	Margin of error on gap (+/-)	
	(1)	(2)	(3)	(4)	
Employed if working age (18-64)	37.0%	74.3%	-37.3%	1.7%	*
In poverty	18.4%	10.6%	7.8%	1.0%	*
Social Security income	47.4%	15.1%	32.2%	1.2%	*
Public assistance income or food stamps	22.7%	12.0%	10.7%	1.1%	*
Medicaid or other low-income health plan	28.3%	8.2%	20.1%	1.1%	*
Living situation					
Live alone	18.5%	12.4%	6.1%	1.0%	*
Live with others, not in group quarters	76.6%	84.9%	-8.3%	1.0%	*
Noninstitutional group quarters [^]	1.2%	1.5%	-0.3%	0.2%	
Institutional group quarters ^{^^}	3.7%	1.2%	2.6%	0.2%	*
Marital status					
Married, spouse present	42.3%	49.4%	-7.1%	1.3%	*
Separated/divorced	19.0%	13.1%	5.9%	1.0%	*
Widowed	14.9%	3.9%	11.0%	0.8%	*
Never married	23.8%	33.6%	-9.9%	1.2%	*
Sample size	9,609	14,039	60,067		

* Disability gap is outside 95% margin of error.

[^] College dorm, military barracks, group home, mission, or shelter^{^^} Nursing home, mental hospital, or correctional facility

Based on analysis of Census Bureau's 2021 American Community Survey microdata.

Table 5: Need for Assistance in Disability Population

Figures represent percent of disability population age 18 or older.

	Georgia	Margin of error (+/-)	United States	Margin of error (+/-)
	(1)	(2)	(3)	(4)
Any help needed with activities of daily living	44.4%	5.8%	37.4%	1.1%
Need help with:				
Getting around inside home	3.7%	2.2%	3.8%	0.4%
Going outside home for errands	24.6%	5.0%	21.2%	1.0%
Getting in bed or chair	9.4%	3.3%	7.2%	0.6%
Taking bath or shower	8.3%	3.1%	8.6%	0.7%
Getting dressed	7.8%	3.0%	6.9%	0.6%
Walking	8.6%	3.2%	8.2%	0.6%
Eating	1.1%	1.0%	1.3%	0.3%
Using toilet	4.1%	2.1%	3.3%	0.4%
Keeping track of money	13.5%	4.1%	12.2%	0.8%
Preparing meals	18.4%	4.5%	12.0%	0.8%
Doing light housework	18.4%	4.4%	15.4%	0.8%
Taking medicine	8.9%	3.4%	8.8%	0.7%
Accessing Internet	13.4%	3.9%	13.4%	0.8%
Help provided by^:				
Family members	39.1%	5.7%	30.7%	1.1%
Friends or neighbors	4.2%	2.3%	4.0%	0.5%
Paid help	2.4%	1.4%	4.2%	0.5%
Partner or companion	0.5%	1.0%	1.3%	0.3%
Other non-relative	2.6%	1.9%	1.9%	0.3%
Any non-family member (last 4 groups)	8.7%	3.1%	10.7%	0.7%
Sample size	341		10,003	

Based on analysis of 2014 Survey of Income and Program Participation SSA Supplement microdata. See Table 2 for prevalence figures using this definition of disability. Fuller results for entire U.S. are in <https://www.census.gov/library/publications/2018/demo/p70-152.html>.

The margin of error is based on a 95% confidence interval.

^ The categories overlap as the individual may have received help from more than one person.

Table 6: Computer and Internet Access by Disability Status in Georgia

Figures are for Georgia citizens age 18 or older.

	Disability	No disability	Disability gap	Margin of error on gap (+/-)	
	(1)	(2)	(3)	(4)	
Home has Internet access, 2021					
All	87.7%	95.2%	-7.5%	1.2%	*
Age 18-64	92.8%	96.3%	-3.5%	1.4%	*
Age 65 or older	80.9%	89.4%	-8.5%	2.4%	*
Individual uses Internet at home, 2019					
All	59.6%	79.1%	-19.5%	7.2%	*
Age 18-64	61.0%	81.2%	-20.2%	10.5%	*
Age 65 or older	58.3%	69.1%	-10.8%	10.5%	*
Individual uses Internet at home or elsewhere, 2019					
All	60.0%	81.9%	-21.9%	7.2%	*
Age 18-64	61.6%	84.2%	-22.6%	10.5%	*
Age 65 or older	58.3%	70.2%	-11.9%	10.5%	*
Sample size					
2021 data	12,135	56,115			
2019 data	218	1,724			

* Disability gap is outside 95% margin of error.

Home Internet access figures are based on analysis of Census Bureau's 2021 American Community Survey microdata, and individual Internet use is based on analysis of November 2019 Current Population Survey Computer and Internet Use Supplement microdata.

Table 7: Transportation and Disability

	All (1)	Disability (2)	No disability (3)	Disability gap (4)	
Data for Georgians age 18 or older[^]					
Have travel-limiting disability	9.6%	100.0%	0.0%		
Live in zero-vehicle household		16.3%	3.7%	12.6%	*
Average trips per day		2.3	3.5	-1.2	*
No trips in a day		39.8%	16.4%	23.4%	*
Driver		61.6%	91.9%	-30.3%	*
Public transportation in past 30 days		12.6%	12.6%	2.0%	*
Used ride-hailing in past 30 days		5.5%	11.5%	-6.0%	*
Average online purchases for delivery in past month		32.5%	54.9%	-22.4%	*
Agree that travel is a financial burden		58.3%	42.9%	15.4%	*
National data from 2020 survey with broader disability measure^{^^}					
Can drive own or family vehicle		69.6%	90.0%	-20.4%	*
Most often use for basic transportation:					
Own or family vehicle		82.7%	93.3%	-10.7%	*
Someone else's vehicle		6.4%	1.8%	4.7%	*
Taxi or rideshare		3.2%	0.5%	2.7%	*
Para-transit		1.3%	0.2%	1.1%	*
Other public transportation		4.9%	3.0%	1.9%	
Other		1.5%	1.2%	0.3%	
Have transportation problems "very often" or "always"		5.6%	2.9%	2.6%	*
Sample size		1,768	787		

[^] From analysis of 2017 National Highway Travel Survey data at <https://nhts.ornl.gov/>

^{^^} From <https://www.eac.gov/election-officials/us-election-assistance-commission-study-disability-and-voting-accessibility-2020>, Table 31

Table 8: Voting and Disability in 2020

	Georgia				United States			
	No disabilit y (1)	Any disabilit y (2)	Disabilit y gap (3)	Margin of error on gap (+/-) (4)	No disabilit y (5)	Any disabilit y (6)	Disabilit y gap (7)	Margin of error on gap (+/-) (8)
Among all eligible to vote:								
Registered to vote	70.9%	69.4%	-1.5%	7.0 %	73.0%	70.1%	-3.0%	1.1 % *
Voted	66.4%	62.8%	-3.6%	7.3 %	67.5%	61.8%	-5.7%	1.1 % *
Method if voted:								
In person on election day	18.7%	12.4%	-6.4%	6.4 % *	31.2%	25.8%	-5.4%	1.3 % *
Early in person	54.4%	43.4%	-11.1%	9.3 % *	26.9%	21.0%	-5.8%	1.2 % *
Mail ballot	26.7%	44.7%	18.0%	9.2 % *	41.9%	53.2%	11.3%	1.5 % *
Sample size	1,611	208			70,898	11,000		

* Disability gap is outside 95% margin of error.

Based on analysis of 2020 Current Population Survey Voting and Registration Supplement microdata.

Table 9: Voting by Disability Type in 2020

All figures are for
entire U.S.

	No disabi lity	Any disabilit y	Hearing impairme nt	Vision impairme nt	Cognitive impairme nt	Mobility impairme nt	Difficul ty dressin g or bathing	Difficul ty going outside alone							
	(1)	(2)		(3)	(4)	(5)	(6)	(7)	(8)						
Among all eligible to vote:															
Registered to vote	73.0 %	70.1 %	*	76.2 %	*	67.4 %	*	61.6 %	*	69.4 %	*	61.9 %	*	61.8 %	*
Voted	67.5 %	61.8 %	*	68.5 %		59.2 %	*	50.7 %	*	60.4 %	*	49.4 %	*	51.6 %	*
Method if voted:															
In person on electio n day	31.2 %	25.8 %	*	25.4 %	*	24.6 %	*	26.4 %	*	25.0 %	*	23.4 %	*	23.0 %	*
Early in person	26.9 %	21.0 %	*	22.0 %	*	22.0 %	*	19.3 %	*	19.4 %	*	14.4 %	*	16.7 %	*
Mail ballot	41.9 %	53.2 %	*	52.6 %	*	53.3 %	*	54.2 %	*	55.7 %	*	62.1 %	*	60.2 %	*
Sample size	70,89 8	11,0 00		3,633		1,466		3,315		6,255		1,68 9		3,76 9	

* Disability gap is outside 95% margin of error.

Based on analysis of 2020 Current Population Survey Voting and Registration Supplement microdata.

Table 10: In-Person Voting Difficulties by Disability Type in 2020

Types of voting difficulties	No disability	Any disability	Hearing impairment	Visual impairment	Cognitive impairment	Mobility impairment	No need for help in daily activities	Need help in daily activities
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Any difficulty in voting in person at polling place or election office	9.8%	18.0% *	19.3%	23.5%	30.0% *	17.2% *	15.2%	24.8% *
1. Difficulty in finding or getting to the polling place	2.3%	1.4%	1.0%	3.8%	3.6%	1.2%	0.8%	3.1%
2. Difficulty in getting inside the polling place (for example, steps)	0.4%	3.2% *	1.6%	1.1%	2.4%	5.1% *	2.1%	6.0% *
3. Difficulty waiting in line	6.2%	7.4%	8.5%	1.4% *	11.2%	5.1%	7.1%	8.1%
4. Difficulty reading or seeing the ballot	0.0%	3.8% *	4.1%	20.5% *	7.4% *	5.2% *	1.5% *	9.7% *
5. Difficulty understanding how to vote or use the voting equipment	2.9%	2.7%	0.9%	2.2%	3.5%	2.9%	2.6%	2.9%

6. Difficulty communicating with poll workers or other officials at the polling place	0.6%	2.1%		3.2%	1.1%	2.5%	2.6%	1.3%	3.8%
7. Difficulty writing on the ballot	0.0%	1.2%	*	0.9%	1.2%	2.3%	2.2%	0.5%	3.2%
8. Difficulty operating the voting machine	0.9%	1.0%		1.0%	4.1%	1.5%	0.0%	0.9%	1.2%
9. Other type of difficulty in voting	0.3%	1.8%	*	4.0%	2.2%	4.3%	1.2%	1.7%	2.0%
Sample size	371	697		124	72	139	298	506	189

* Difference from non-disability sample is outside 95% margin of error

From 2020 Election Assistance Commission survey with results reported at

<https://www.eac.gov/election-officials/us-election-assistance-commission-study-disability-and-voting-accessibility-2020>, Table 8.

Table 11: Mail Voting Difficulties by Disability Type in 2020

Types of mail voting difficulties	No disability	Any disability		Hearing impairment	Visual impairment	Cognitive impairment	Mobility impairment	No need for help in daily activities	Need help in daily activities
	(1)	(2)		(3)	(4)	(5)	(6)	(7)	(8)
Any difficulty receiving, returning, reading,	2.1%	5.4%	*	5.1%	22.1%	*	6.3%	6.4%	*

understanding, or filling out ballot									
Any difficulty reading, understanding, or filling out ballot	0.7%	2.3%		1.6%	7.9% *	2.5%	2.5%	1.8%	3.3%
Difficulty reading mail ballot	0.0%	1.4% *		1.6%	5.7% *	1.9%	1.2%	1.0%	2.3%
Difficulty understanding mail ballot	0.4%	0.4%		0.0%	0.0%	0.0%	0.4%	0.3%	0.5%
Difficulty filling out mail ballot	0.0%	0.8%		0.0%	2.2%	0.6%	1.3%	0.4%	1.7%
Other difficulty completing mail ballot	0.4%	0.1%		0.0%	0.0%	0.0%	0.3%	0.2%	0.0%
Difficulty receiving mail ballot	1.7%	1.9%		2.5%	5.9%	3.0%	1.9%	1.7%	2.5%
Difficulty returning mail ballot	0.0%	0.7% *		1.6%	6.7%	2.0%	0.9% *	0.2%	1.9%
Sample size	319	797		119	75	155	398	526	267

* Difference from non-disability sample is outside 95% margin of error

From 2020 Election Assistance Commission survey with results reported at <https://www.eac.gov/election-officials/us-election-assistance-commission-study-disability-and-voting-accessibility-2020>, Table 11.

APPENDIX A

LISA A. SCHUR

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EDUCATION

UNIVERSITY OF CALIFORNIA-BERKELEY, Berkeley, California

Ph.D. in Political Science, December 1997.

Fields: Public law, American politics, Political theory

Dissertation topic: Disability and political participation.

An examination of political attitudes and involvement among people with disabilities, including efforts to gain passage of the Americans with Disabilities Act and other attempts to change laws and policies affecting disability. Based on in-depth interviews and questionnaire data from a sample of people who have spinal cord injuries, including people who are not politically active as well as members of the disability rights movement.

M.A. in Political Science, 1984.

Master's thesis: "Women and Rebellion: The Shortcomings of Camus"
An analysis of Camus' view of political action from the perspective of feminist theory.

NORTHEASTERN UNIVERSITY SCHOOL OF LAW, Boston, Massachusetts

J.D., 1987.

Concentration in labor law and Constitutional law.
Passed Massachusetts Bar exam in July, 1987.

HARVARD UNIVERSITY, Cambridge, Massachusetts

B.A. in Sociology, June 1981. Senior honors thesis on the rise of the Soviet state.

EMPLOYMENT

PROFESSOR

7/15-present Department Chair, 1/15-6/18, 7-19 to present, Associate Professor, 7/04-6/15, Assistant Professor, 7/98-6/04. Rutgers University, Department of Labor Studies and Employment Relations.

VISITING ASSISTANT PROFESSOR

1/98-6/98 Haverford College. Designed and taught course on disability, law, and public policy, with focus on employment law.

VISITING LECTURER

1/91-6/92 Rutgers University, Department of Labor Studies. Taught two undergraduate courses on American labor law, emphasizing legal reasoning, oral argument, and writing skills.

TEACHING ASSISTANT

8/87-6/88 University of California, Berkeley, Department of Political Science. Helped teach undergraduate courses on Constitutional law with emphasis on the First Amendment, the Equal Protection Clause of the Fourteenth Amendment, and Criminal Due Process.

9/86-6/87 Northeastern University School of Law. Selected to teach first-year law students legal research methods, writing, and oral advocacy as part of Legal Practice course.

8/82-6/84 University of California, Berkeley, Department of Political Science. Helped teach courses in 19th and 20th Century Political Theory, American Political Theory and History, and Women in American Politics.

JUDICIAL AND LEGAL INTERNSHIPS

12/86-2/87 The Honorable Joseph Tauro, U.S. District Court, District of Massachusetts. Drafted judicial opinions and conducted legal research on First Amendment issues, criminal conspiracy, and tort liability.

6/86-9/86 Massachusetts Attorney General's Office, Environmental Protection Division. Drafted complaints, pre-trial motions, and legal memoranda concerning hazardous waste litigation.

- 12/85-2/86 Thornton and Early, Boston, Massachusetts.
Conducted legal research and writing for a firm specializing in toxic tort litigation.
- 6/85-9/85 Boston Municipal Court, Boston, Massachusetts.
Drafted judicial opinions in the areas of consumer protection, contracts, and torts.

OTHER POSITIONS

Editor, Special Issue on People with Disabilities in the Workplace, with co-editors Adrienne Colella and Meera Adya, International Journal of Human Resource Management, Volume 17, Number 14, 2016.

Senior Fellow, Burton Blatt Institute, Syracuse University, 2010-present. The Burton Blatt Institute is dedicated to advancing the civic, economic, and social participation of people with disabilities.

Kellogg Fellow, School of Management and Labor Relations, Rutgers University, 2016-present.

FELLOWSHIPS AND AWARDS

Political Research Quarterly Best Article Award for “Enabling Democracy: Disability and Voter Turnout,” awarded by the Western Political Science Association for the best article published in the journal in 2002.

Ed Roberts Pre-Doctoral Fellowship, 1996-97, World Institute on Disability and School of Public Health, University of California-Berkeley.

Harry Braden Fellowship, Department of Political Science, University of California-Berkeley, 1982-83.

Elizabeth Carey Agassiz Award for Academic Excellence, Harvard University, 1980-81.

BOOK

Lisa Schur, Douglas Kruse, and Peter Blanck. People with Disabilities: Sidelined or Mainstreamed? Cambridge, England: Cambridge University Press, 2013.

Reviewed in British Journal of Industrial Relations, Industrial and Labor Relations Review, and Journal of Occupational Rehabilitation

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Lisa Schur and Douglas Kruse, "Projecting the Number of Eligible Voters with Disabilities in the November 2020 Elections," September 2020.

Lisa Schur and Douglas Kruse, "Fact sheet: Elected Officials with Disabilities," September 2019.

Janet Boguslaw and Lisa Schur. "Building the Assets of Low and Moderate Income Workers and Their Families: The Role of Employee Ownership." Institute for the Study of Employee Ownership and Profit Sharing, March 2019.

Lisa Schur and Douglas Kruse, "Fact sheet: Disability and Voter Turnout in the 2018 Elections," July 2019.

Lisa Schur and Douglas Kruse, "Fact sheet: Disability and Voter Turnout in the 2016 Elections," August 2017.

Lisa Schur and Douglas Kruse, "Projecting the Number of Eligible Voters with Disabilities in the November 2016 Elections," September 2016.

Azadeh Meshkaty, Annie Alcid, Elizabeth Barrett, Lisa Schur, and Peter Blanck, "Working Women with Disabilities: Employment and Earnings," White Paper prepared for Women's Bureau and U.S. Department of Labor, U.S. Department of Labor, April 2014.

Lisa Schur, "Reducing Obstacles to Voting for People with Disabilities: White Paper

prepared for Presidential Commission on Election Administration,” June 22, 2013

Lisa Schur, Meera Adya, and Douglas Kruse, “Disability, Voter Turnout, and Voting Difficulties in the 2012 Elections,” Report to the U.S. Election Assistance Commission, July 2013.

Lisa Schur and Douglas Kruse, “Fact sheet: Disability and Voter Turnout in the 2010 Elections,” August 2011.

Lisa Schur and Douglas Kruse, “Fact sheet: Disability and Voter Turnout in the 2008 Elections,” August 2009.

TESTIMONY

Lisa Schur, “Testimony on Disability and Employment before the U.S. Senate Health, Education, Labor, and Pensions committee,” February 8, 2022.

Lisa Schur, “Reducing Obstacles to Voting for People with Disabilities,” Testimony to Presidential Commission on Election Administration, Denver, CO, August 8, 2013

PUBLISHED PAPERS IN PROCEEDINGS

5.

Lisa Schur, Adrienne Eaton, and Saul Rubinstein, “High Performance Work Systems and Political Efficacy: A Tale of Two Departments,” Proceedings of the 56th Annual Meeting. Champaign, IL: Industrial Relations Research Association, 2004.

Lisa Schur, “Discrimination in the Workplace: Perceptions and Responses of People with Disabilities,” Proceedings of the 54th Annual Meeting. Champaign, IL: Industrial Relations Research Association, 2002, pp. 40-48.

Lisa Schur, “The Difference a Job Makes: The Effects of Employment Among People with Disabilities,” Journal of Economic Issues, Vol. 36, No. 2, June 2002, pp. 339-348.

Lisa Schur, “Do Seniority Systems ‘Trump’ the ADA? Conflicts Between Collective Bargaining Agreements and the Duty to Accommodate Disabled Workers,” Proceedings of the Southern Industrial Relations and Human Resources Conference, 1998.

Lisa Schur, “Disability and the Psychology of Political Participation,” Proceedings of the Society for Disability Studies, 1997.

Lisa Schur and Douglas Kruse, “What Determines Voter Turnout? Lessons from Citizens with Disabilities,” Proceedings of the Society for Disability Studies, 1997.

6.

7. WORKING PAPERS AND WORK IN PROGRESS

- “See Me, Not the Disability: Field Experiments on Disability, Veteran, and Gender Status in Hiring Outcomes.” By Mason Ameri, Lisa Schur, Meera Adya, Adrienne Colella, and Douglas Kruse, December 2019.
- “Disability and the Unionized Workplace.” IZA Discussion Paper #12258. By Mason Ameri, Mohammad Ali, Lisa Schur, and Douglas Kruse, March 2019.
- “The Disability Employment Puzzle: A Field Experiment on Employer Hiring Behavior.” By Mason Ameri, Lisa Schur, Meera Adya, Scott Bentley, Patrick McKay, Douglas Kruse. Working Paper No. 21560, National Bureau of Economic Research, Cambridge, MA, September, 2015.
- “Disability and Political Participation: Closing the Gap?” with Meera Adya and Mason Ameri. Presented at Midwest Political Science Association, Chicago, IL, April 2015.
- “Workplace Democracy and Political Participation,” with Douglas Kruse and Jung Ook Kim. Presented at International Association for the Economics of Participation, Copenhagen, Denmark, July 2016.

8. RESEARCH GRANTS

- “Disability and Voting Accessibility in the 2020 Elections,” 2022-2023. Lisa Schur, Mason Ameri, Meera Adya, and Douglas Kruse. This \$306,553 contract from the U.S. Election Assistance Commission funded a post-election national survey of 2000 people on disability and voting in the 2022 elections.
- “Disability and Voting Accessibility in the 2020 Elections,” 2020-2021. PI for \$318,000 grant from the U.S. Election Assistance Commission. This grant funded a 2020 post-election national survey that documents voter turnout and voting barriers faced by people with disabilities. The final report was submitted on February 17, 2021.
- “Employer Disability Practices RRTC,” 2021-2025. Co-investigator for 5-year Rehabilitation Research and Training Center (RRTC) funded by the National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR). The goal is to study the effects of employer practices on the employment of people with disabilities, with a focus on facilitating increased employment. The center is based at Rutgers University, with Syracuse University, University of Indiana, and National Organization on Disability as partners. The 5-year budget is \$4.3 million.
- “Disability Inclusive Employment Policy RRTC,” 2020-2024. Co-investigator for 5-year Rehabilitation Research and Training Center (RRTC) funded by the National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR). The goal is to study the effects of employment policies on the employment of people with disabilities, with a focus on facilitating increased employment. The center is based at Syracuse University, with Rutgers and Harvard as partners, with \$4.3 million total for

all partners and \$940,000 to Rutgers. The Rutgers projects include analysis of the effects on people with disabilities of policies on: 1) paid sick leave and paid family leave; 2) telework and other home-based work; 3) contingent work; 4) unemployment insurance; and 5) minimum wages.

“Collaborative Research: Future of Work for People with Disabilities,” 2020-2023. Co-investigator for 4-year project funded by the National Science Foundation. The goal is to study the potential of assistive technology to increase employment, productivity, and wages of people with disabilities. The center is based at CUNY, with Rutgers and NYU as partners, with \$2.3 million total for all partners and \$620,000 to Rutgers. The Rutgers components include looking at economic and policy implications of assistive technology using large-scale government datasets and data gathered from companies and employees about HR implications of integrating assistive technology in the workplace.

“Disability and Voter Turnout in the 2012 Elections,” 2012-2014. PI for \$235,000 grant from the U.S. Election Assistance Commission, through the Research Alliance for Accessible Voting at Clemson University. This grant funded a 2012 post-election national survey that documented voting barriers faced by people with disabilities. The results were presented to the Presidential Commission on Election Administration, Election Assistance Commission, National Institute on Standards and Technology, Midwest Political Science Association, and Society for Disability Studies. Results were published in Election Law Journal and are forthcoming in Social Science Quarterly.

“Disability Discrimination and Job Requirements,” 2010-2015. Co-PI for \$200,000 grant from Employment Policy Rehabilitation Research and Training Center, based at University of New Hampshire and funded by National Institute on Disability and Rehabilitation Research, 2010-2015. This project matches data on disability earnings gaps by occupation to data on occupational job tasks and ability requirements, examining whether disability earnings gaps are limited to occupations in which an impairment should limit productivity, or instead also exist in occupations where impairments do not limit productivity, which would support the idea that discrimination is at work.

"Corporate Culture and Disability," 2006-2008. Co-PI for \$500,000 grant from the Office of Disability Employment Policy, U.S. Department of Labor. A consortium of Rutgers, Cornell, and Syracuse researchers worked with three other research partners and six companies to study how corporate policies and practices, and manager and co-worker attitudes, can limit or facilitate employment opportunities for people with disabilities. The information from the case studies provides lessons about what works in diverse settings, helping companies develop "best practices" for employing people with disabilities and providing a platform for ongoing benchmarking and self-evaluation. Results were published in Human Resource Management.

"Disability and Demand-side Employment Placement Models," 2006-2011, Co-PI for a 5-

year center supported by four universities and funded by the National Institute on Disability and Rehabilitation Research, U.S. Dept. of Education. Rutgers received \$252,000 to study contingent work and worker displacement, and develop 10-year projections of employer demand for specific abilities. Results were published in Monthly Labor Review.

“Desired and Actual Work Arrangements Among People with Disabilities,” 2005-2007. Co-PI with colleagues from Rutgers University, Syracuse University, and the University of Iowa to gain approval and \$51,350 in funding for putting disability questions on the 2006 General Social Survey. In combination with two work modules (the Work Orientation module and the Quality of Work Life module), these data provided the first representative estimates of desired work arrangements among both employed and non-employed people with disabilities, and the attitudes and experiences of employed people with disabilities. The funding came from the National Institute of Disability and Rehabilitation Research, and the Rutgers School of Management and Labor Relations. Results were published in the Journal of Occupational Rehabilitation.

“Non-standard Work Arrangements and Disability,” 2000-2001. Co-PI for project analyzing the prevalence and trends of alternative work arrangements among people with disabilities over the 1992-2000 period, and legal issues facing workers with disabilities in such arrangements. This was supported by a \$54,000 grant through the Disability Research Institute, which is funded by the Social Security Administration. Results were published in Industrial Relations and Behavioral Sciences and the Law.

“Empowerment Through Civic Participation: A Follow-up Study,” 2000. Co-investigator for a post-election survey in November 2000 of 500 people who responded to our 1998 national survey, plus an additional cross-section of 502 people. This was funded by grants totaling \$50,000 from the National Institute on Disability and Rehabilitation Research, the Presidential Task Force on Employment of Adults with Disabilities, and the Rutgers School of Management and Labor Relations. Results were published in Women and Politics, British Journal of Industrial Relations, and Political Research Quarterly.

“Empowerment Through Civic Participation: A Study of the Political Behavior of People with Disabilities,” 1998. Co-investigator for national household survey of 1,240 people, 700 of whom had disabilities, conducted by the Rutgers Center for Public Interest Polling in November, 1998. This was funded by grants totaling \$52,500 from the New Jersey Developmental Disabilities Council and the Rutgers School of Management and Labor Relations. Results were published in Political Research Quarterly and Political Psychology.

EXPERT WITNESS

Expert witness in Minnesota voting case, *DSCC and DCCC v. Simon*, Case No. 62-cv-20-585 (2020).

Expert witness in Nevada voting case, *Corona v. Cegavske in Nevada State Court (Case No. 20-OC-00064-1B)* (2020).

PRESENTATIONS

Roundtable panelist for “Disability in Political Science: Current Scholarship and Future Directions,” American Political Science Association annual conference, September 17, 2022

“Disability, the Voting Process, and the Digital Divide,” U.S. Election Assistance Commission, July 26, 2021, with Douglas Kruse and Mason Ameri.

“Paid Leave Mandates and Disability Employment,” Labor and Employment Relations Association, June 4, 2022.

“Progress or Regress Amid the Pandemic? Disability, Voting Accessibility, and Voter Turnout From 2008 to 2020.” Presentation to American Political Science Association annual conference, October 1, 2021.

“Disability and Voter Turnout in the 2020 Elections.” Presentation to U.S. Election Assistance Commission, July 7, 2021, with Douglas Kruse.

“Disability and Voting Accessibility in the 2020 Elections.” Presentation to Respectability.org, April 8, 2021, with Douglas Kruse.

“Disability and Voting Accessibility in the 2020 Elections.” Presentation to American Association of People with Disabilities and REV UP! Campaign, March 18, 2021, with Douglas Kruse.

“Disability and Voting Accessibility in the 2020 Elections.” Presentation to U.S. Access Board, March 10, 2021, with Douglas Kruse.

“Disability and Voting Accessibility in the 2020 Elections.” Presentation to American Council on the Blind, February 22, 2021, with Douglas Kruse.

“Disability and Voting Accessibility in the 2020 Elections.” Presentation on Voting Rights Panel for “Shaping Justice” conference, University of Virginia Law School, February 20, 2021.

“Disability and Voting Accessibility in the 2020 Elections.” Presentation to U.S. Election Assistance Commission, February 17, 2021, with Douglas Kruse.

“Disability and Voting: What Does the Research Say?” Presentation to “Closing the Gap” webinar sponsored by Christopher & Dana Reeve Foundation, October 19, 2020.

- “Disability and Voting: What Does the Research Say?” Presentation to Mathematica Disability Affinity Group, October 19, 2020.
- “Disability and Voting: What Does the Research Say?” Presentation to Kansas Leadership Education in Neurodevelopmental Disabilities program, and Kansas University Center on Developmental Disabilities, October 16, 2020.
- “Disability and Voting.” Presentation on panel for “Ensuring the Right to Vote,” Columbia University’s Institute for the Study of Human Rights, September 29, 2020.
- “Disability and Voting: What Does the Research Say?” Presentation with Douglas Kruse for “POWER: The Disability Vote” webinar, sponsored by American Association of People with Disabilities and REV UP! Campaign, June 22, 2020.
- “Disability and Voting.” Presentation with Douglas Kruse for “Protecting the Right to Vote for People with Disabilities” webinar, sponsored by Leadership Conference on Civil and Human Rights, and National Disability Rights Network, May 21, 2020.
- “Disability in the Unionized Workplace,” Labor and Employment Relations Association, Cleveland, OH, June 2019.
- “Building the Assets of Low and Moderate Income Workers and their Families: The Role of Employee Ownership,” Beyster Symposium, LaJolla, CA, June 2019.
- “Does Employee Ownership Benefit Low- and Middle-income Workers?” International Association for the Economics of Participation, University of Ljubljana, Slovenia, July 2018.
- “Disability and Political Participation,” Sciences Po, Saint-Germain-en-Laye, Paris, France, March 2018.
- “Disability and Employment,” University of Cergy-Pontoise / Sciences Po Saint-Germain-en-Laye, Paris, France, March, 2018
- “Disability, Voter Turnout, and Polling Place Accessibility,” National Academies of Sciences, Engineering, and Medicine, Committee on the Future of Voting, New York, NY, July 13, 2017.
- “Employment of People with Disabilities and the Law,” New Jersey Labor and Employment Relations Association, Edison, NJ, May 1, 2017.
- “Workplace Democracy and Political Participation,” International Association for the Economics of Participation, Copenhagen, Denmark, July 2016.
- “Why Do Workers With Disabilities Earn Less? Occupational Job Requirements and

- Disability Discrimination,” Labor and Employment Relations Association, Minneapolis, MN, June 2016.
- “Disability and Political Participation: Closing the Gap?” Midwest Political Science Association, April 2015.
- “Survey Results on Polling Place Accessibility in the 2012 Elections,” National Coalition for Independent Living, Washington, D.C., July 2014.
- “Reducing Obstacles to Voting for People with Disabilities,” National Institute of Standards and Technology (NIST) and Election Assistance Commission (EAC), Webinar on Accessible Technology and the PCEA Report, May 22, 2014.
- “Disability, Voter Turnout, and Polling Place Accessibility,” Midwest Political Science Academy annual conference, Chicago, IL, April 2014.
- “Reducing Obstacles to Voting for People with Disabilities,” Testimony to Presidential Commission on Election Administration, Denver, CO, August 8, 2013
- “Survey Results on Polling Place Accessibility in the 2012 Elections,” Society for Disability Studies annual conference, Orlando, FL, June 2013.
- “Survey Results on Polling Place Accessibility in the 2012 Elections,” National Coalition for Independent Living, June 2013.
- “Survey Results on Polling Place Accessibility in the 2012 Elections,” Election Assistance Commission, Washington, D.C., May 2013.
- “Survey Results on Polling Place Accessibility in the 2012 Elections,” National Institute of Standards and Technology (NIST) and Election Assistance Commission (EAC), Accessible Voting workshop, Gaithersburg, MD, April 2013
- “Survey Results on Polling Place Accessibility in the 2012 Elections,” The Election Center, Research Alliance on Accessible Voting, Minneapolis, MN, April 2013
- “Disability and Election Policies and Practices,” MIT/Pew Project on Measure of Elections, Cambridge, MA, June 2012.
- “Disability, Voter Turnout, and Polling Place Accessibility,” U.S. Election Assistance Commission Board of Advisors, Washington, D.C., June, 2011.
- “Disability at Work: Job Characteristics and Attitudes of Employees with Disabilities,” Labor and Employment Relations Association conference, San Francisco, CA, January 2009.
- “Disability and Corporate Culture: Case Study Evidence,” Labor and Employment

Relations Association conference, San Francisco, CA, January 2009.

- “Sideline or Mainstreamed? Political Participation and Attitudes of People with Disabilities in the United States,” American Political Science Association conference, Boston, MA, August 2008.
- “Building Inclusive Organizations for Employees with Disabilities,” Conference on Strengthening the Intersection of Demand- and Supply-Side Disability Employment Research, sponsored by U.S. Department of Labor and the Interagency Consortium on Disability Research, Washington, D.C., June 2008.
- “Enabling Democracy: Enhancing Political Participation among People with Disabilities,” University of North Carolina, Charlotte, NC, April 28, 2008.
- “Corporate Culture and the Experiences of Employees with Disabilities,” Society for Industrial and Organizational Psychology annual conference, Dallas, TX, May 2006.
- “High Performance Work Systems and Political Efficacy: A Tale of Two Departments,” Industrial Relations Research Association annual conference, San Diego, CA, January 2004.
- “Corporate Culture and the Employment of People with Disabilities,” conference on corporate culture and disability sponsored by Merrill Lynch and the University of Iowa Center on Law, Health Policy, and Disability, New York, NY, June 2003.
- “Do Jobs Create Active Citizens? Employment and Political Participation,” British Journal of Industrial Relations conference on politics and employment relations, London, UK, September 2002.
- “Non-standard Work Arrangements and Disability,” Disability Research Institute, Washington, D.C., June 2002.
- “Changes in the Workforce: Trends & Implications for Employment Law and Collective Bargaining,” Industrial Relations Research Association chapter meeting, Edison, NJ, April 2002.
- “Discrimination in the Workplace: Perceptions and Responses of People with Disabilities,” Industrial Relations Research Association annual conference, Atlanta, GA, January 2002.
- “The Difference a Job Makes: The Effects of Employment Among People with Disabilities,” Association for Evolutionary Economics annual conference, Atlanta, GA, January 2002.
- “Conflicts Between Collective Bargaining Agreements and the ADA,” 23rd Annual Labor Law Conference, sponsored by Region 22 of the National Labor Relations Board, Edison, NJ, November 2001.

- “Employment, the ‘Double Handicap,’ and Political Action Among Women with Disabilities,” Center for Women and Work, Rutgers University, New Brunswick, NJ, October 2001.
- “Growing Older Alone? Social Capital, Age, Participation, and Disability,” American Political Science Association, San Francisco, CA, August 2001, with Todd Shields.
- “Contending with the ‘Double Handicap’: Political Activism Among Women with Disabilities,” Conference on Gender and Disability, Institute for Research on Women, Rutgers University, New Brunswick, NJ, March 2001.
- “Can I Make A Difference? Political, Personal, and Group Efficacy Among People with Disabilities,” American Political Science Association, Washington, D.C., August 2000.
- “Contingent Employment Among Workers with Disabilities: Opportunities and Barriers,” Cornell University Summer Institute on Disability and Employment Policy, Ithaca, NY, July, 2000.
- “Contingent Employment Among Workers with Disabilities: Opportunities and Barriers,” Society for Disability Studies, Chicago, IL, July, 2000.
- “Disability and Voter Turnout,” presented to President’s Committee on Employment of People with Disabilities, Subcommittee on Employee Disability Concerns, Washington, D.C., January 2000.
- “Employment and Participation Among People with Disabilities,” presented to European Union High Level Group on Disability, Washington, D.C., October 1999.
- “Disability and Voter Turnout in the 1998 Elections,” American Political Science Association, Atlanta, GA, September 1999, with Todd Shields.
- “Polling Place Accessibility for People with Disabilities,” National Task Force on Elections Accessibility, Washington, D.C., June 1999, with Douglas Kruse.
- “But Is It Still A Disability? Judicial Views of Mitigating Measures Under the ADA,” Society for Disability Studies, Washington, D.C., May 1999.
- “Political Participation Among People with Disabilities,” Society for Disability Studies, Washington, D.C., May 1999.
- “Do Seniority Systems ‘Trump’ the ADA? Conflicts Between Collective Bargaining Agreements and the Duty to Accommodate Disabled Workers,” Southern Industrial Relations and Human Resources Conference, Vanderbilt University Law School, Nashville, Tennessee, October 1998.

“Do Seniority Systems ‘Trump’ the ADA? Conflicts Between Collective Bargaining Agreements and the Duty to Accommodate Disabled Workers,” Society for Disability Studies, Oakland, California, June 1998.

“Disability and Political Participation,” Society for Disability Studies, Minneapolis, Minnesota, May 22, 1997.

“What Encourages People with Disabilities to Participate in Politics?” World Institute on Disability Colloquium, Oakland, California, April, 1997.

“What Determines Voter Turnout? Lessons from Citizens with Disabilities,” Southern Political Science Association, Atlanta, Georgia, November 8, 1996, with Douglas Kruse.

“Disability and the Psychology of Political Participation,” International Society of Political Psychology, Vancouver, British Columbia, July 3, 1996.

“Attitudes Toward Unions in the U.S.: An Analysis of Gender Differences,” School of Management and Labor Relations, New Brunswick, New Jersey, May 1990, with Douglas Kruse.

COURSES TAUGHT

Employment Law (in-class and on-line)(graduate and undergraduate)
American Labor Law (undergraduate)
Disability and Law (undergraduate)
Disability, Work, and Society (undergraduate)
Perspectives on Labor Studies (undergraduate)
Legislation and Labor-Management Relations (graduate)
Introductory Seminar in Labor Studies and Employment Relations (graduate)
Designed and taught non-credit courses on labor law and the Americans with Disabilities Act for UCLEA Summer Institute for Union Women, various years since 2000.

COURSES CREATED

Developed on-line version of Introductory Seminar in Labor Studies and Employment Relations, Fall 2017/Spring 2018
Disability and Law (undergraduate)
Disability, Work, and Society (undergraduate)

SERVICE

Service to Profession

Organizer and chair for plenary session, “National Policy Forum Luncheon: Racial Diversity and Inclusion in the Labor and Employment Relations Community,” Labor and Employment relations Association, Cleveland, OH, June 2019.

Editor, Special Issue on People with Disabilities in the Workplace, with co-editors Adrienne Colella and Meera Adya, International Journal of Human Resource Management, Vol. 17, No. 14, 2016.

Reviewer for:

American Journal of Political Science

American Politics Research

American Political Science Review

British Journal of Industrial Relations

Citizenship Studies

Election Law Journal

European Political Science Review

Industrial and Labor Relations Review

International Journal of Human Resource Management

Journal of Business Ethics

Journal of Communication

Journal of Elections, Public Opinion, and Parties

Journal of Occupational Rehabilitation

Journal of Politics

Journal of Vocational Rehabilitation

Political Behavior

Policy Studies

Rehabilitation Education

Social Problems

Social Science Quarterly

Organizer of American Political Science Association panel, “Entering the Global Mainstream? The Politics of Disability in the 21st Century,” for the August 2008 conference in Boston.

Organizer of Industrial Relations Research Association panel, “Industrial Democracy and Political Participation,” for the January 2004 conference in San Diego.

Member, Education Committee, Industrial Relations Research Association, 2002-2004.

Senior Research Fellow, Burton Blatt Institute, Syracuse University, 2010-present.

Visiting Fellow, Sciences Po / St. Germain-en-Laye, France, March 2018.

Service to Government and Society

Member, CPS Disability Supplement Expert Panel, U.S. Department of Labor Chief Evaluation Office and the Office of Disability Employment Policy (ODEP), November 2021.

White Paper prepared for Presidential Commission on Election Administration, July 2013.

Presentations to governmental bodies:

Presidential Commission on Election Administration, Denver, Colorado, August 2013.

President's Committee on Employment of People with Disabilities, Washington, D.C., January 2000

European Union High Level Group on Disability, Washington, D.C., October 1999

National Task Force on Elections Accessibility, Washington, D.C., June 1999

New Jersey Developmental Disabilities Council, New Brunswick, NJ, April 1999

Chair, panel on ADA Amendments Act, New Jersey Labor and Employment Relations, November 7, 2011

Member of Blue Ribbon Expert Advisory Panel for the ADA Impact Study, funded by the Presidentially-appointed National Council on Disability, 2004-2005

Rutgers University representative on Planning Committee for Annual Labor Law Conference, 2000-present, sponsored by National Labor Relations Board Region 22.

Invited presenter for Webcast on disability and employment, sponsored by Institute for Rehabilitation Research, funded by the National Institute on Disability and Rehabilitation Research, June 2003 (www.ilru.org/online/archive/2003/06-18-PB.html)

Presentations to New Jersey Education Association on employment law, January and March, 2003.

Published interviews in Insight, supplement to Labor Law Reports, July 1999 and March 2002, on Supreme Court decisions interpreting the ADA.

Service to Rutgers

Chair, Department of Labor Studies and Employment Relations, January 2015-July 2018, July 2019-July 2020.

Member of committee to develop crossdisciplinary Disability Studies minor at Rutgers, September 2018-present.

Member, Mentoring Committees for Assistant Professors:

Saunjuhi Verma (2014-2019)
Tobias Schulze-Cleven (2013-2018)
Patrick Downes (2016-2018)
Jessica Methot (2011-2017)
Mingwei Liu (2010-2015)
Hui Liao (2006-2011)

Chair, Master's Thesis Committee, and Member, Ph.D. Dissertation Committee, for Mason Ameri, 2013-2017.

Member, Dean's Search Committee, School of Management and Labor Relations, 2018.

Member, Dean's Search Committee, School of Management and Labor Relations, 2014-2015.

Member, Academic Standing Committee, Rutgers University, 2008-2013.

Member, Academic Coordinating Council, Rutgers University, 2003-2007.

Member, Faculty Search Committee, Department of Labor Studies and Employment Relations, Rutgers University, 2001-2002, 2004.

Member, Library Committee, School of Management and Labor Relations, Rutgers University, 2002-2003.

Member, Undergraduate Admissions Committee, Department of Labor Studies and Employment Relations, Rutgers University, 2003-2004.

Member, Graduate Admissions Committee, Department of Labor Studies and Employment Relations, Rutgers University, 2013-2014.

AFFILIATIONS

American Bar Association
American Political Science Association
Labor and Employment Relations Association
Society for Disability Studies

EXHIBIT 2

2 EXHIBIT 2 2 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 SIXTH DISTRICT OF THE AFRICAN METHODIST EPISCOPAL CHURCH, et al., Civil Action No.: 1:21-cv-01284-JPB Plaintiffs, v. BRIAN KEMP, Governor of the State of Georgia, in his official capacity, et al., Defendants, REPUBLICAN NATIONAL COMMITTEE, et al., Intervenor-Defendants DECLARATION OF EMPISH THOMAS IN SUPPORT OF AME PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION 2 DECLARATION OF EMPISH THOMAS (Pursuant to 28 U.S.C. § 1746) My name is Empish Thomas. I am over the age of 21 and am

fully competent to make this declaration. Under penalty of perjury, I declare the following statement based on my personal knowledge: 1. I currently live in Lithonia in DeKalb County, Georgia. I have been a registered voter since I was 18 years old, first in Florida and then in Georgia after I moved there. 2. I am 51 years old, and am Black. 3. I have been voting since about 1996. Over the years, I have become politically involved, and I try to vote in almost every election. Sometimes, I have tried to vote absentee, but usually, I have tried to vote in person

because I do not find absentee voting accessible to me. 4. Around 1999 or 2000, I became completely blind. I have been completely blind for 22 years. It is not that I am visually impaired; I have no vision. 5. As a result of having no vision, I don't drive myself to vote. Most of the time, I have been transporting myself to vote by taking the MARTA bus. MARTA Mobility is a reservation service that picks you up and drops you off in a fixed window of time that you reserve in advance. A couple of times, I have taken a rideshare service like Uber or Lyft to vote, and sometimes I have used rides-to-the-polls programs or walked to the precinct with a sighted friend if it is located close enough to me. 6. I generally rely on MARTA to get me to the polls for a few reasons. First, because rideshares are very expensive. Second, sometimes I don't have anyone in the area to give me a ride to the polls.

Also, I have tried rides to the poll programs and had the person not show up. That is why I rely on booking MARTA rides to vote. 7. I have received assistance with voting ever since I lost my vision in about 1999 or 2000, both when voting absentee and when voting in person. I have voted absentee twice since becoming blind, with assistance, once in 1999 and once in 2020. 8. The second time I tried to vote absentee, it was during the 2020 primary election. My friend who is sighted assisted me. Even with her assistance, I found the process of requesting and filling out the ballot complicated. Fortunately, I was able to get my sighted friend, who I trusted to come over, to mark my ballot and mail it for me. 9. Because of the barriers with the absentee ballot process, I do not feel that absentee voting is accessible to me as a person with a disability, and I have decided that voting in person is generally the only way for me to vote going forward. 10. The increased barriers to absentee voting under Senate Bill 202 are part of the reason I am not willing to try absentee voting again. Before Senate Bill 202, it was already a barrier to find a trusted sighted person to help me fill out my absentee ballot. It has to be someone who I trust to mark my ballot the way I want them to and who I know won't change my vote. It's always a question in my mind whether I can trust a person with information like that, and it's hard to find someone I know that I can trust with my ballot. 11. With the new penalties in SB202 adding a criminal penalty for incorrectly

providing me with assistance, and the requirement that I and anyone who helps me must fill out a confusing and intimidating oath, now, trying to locate the right person to help me with my ballot is even harder. Not only would I have to find someone who is eligible to assist me, but I also have to trust with my private information and with respecting my political choices, it also has to be someone who is willing to sign their own name on the voter assistance oath and risk criminal penalties if they made a mistake. Believe that the criminal penalties create a further barrier because I know a lot of people would be intimidated by the idea of facing a criminal penalty or a legal issue if they help me. I know, for instance, some people who have refused to help me fill out paperwork at the doctor's office in the past because the paperwork included technical, legal language about HIPAA. 12. I also know that if I tried to get someone to help me return my absentee ballot, I'd face insurmountable barriers to doing so. First of all, I don't have any family members living in Georgia. Second, I don't have anyone who I consider a caregiver. I'm a functional, independent person with a disability, and I don't even think I am eligible for most caregiving services based on my level of income and my level of daily functioning. 13. It's a misconception about people with disabilities that we always rely on caregivers to help us. Out of my friends in the blind community in Atlanta, most of them live independently, and I wouldn't say they have "caregivers." 14. I have an assistant who is someone who comes over about once a month, or sometimes less. It ebbs and flows. Generally, I pay her to do different tasks for me. Sometimes I don't have the money to pay her, so I don't meet with her in a given month. She gives me rides places and helps me with things like paper mail, reading inaccessible websites, household chores, shopping, dealing with my printer, filling out forms that aren't accessible, or other tasks. When I worked as a contractor, I paid her through my business to do business-related tasks, like helping me with my blog and website. I don't consider my assistant a caregiver because she doesn't provide me with care, and I don't see her regularly. 15. I think it's confusing that the new voting law doesn't say who a caregiver is because I've come to believe that someone in a caregiver role is doing a lot more than what my assistant is doing (visiting me occasionally to help with tasks). While I don't know how the state is 4 2 defining the word "caregiver" in its election laws, I would assume there are certain criteria to meet, like living with you or helping you more regularly, and that my assistant wouldn't be considered a "caregiver." Also, when I've applied for benefits in the past, I was told that this kind of occasional assistance didn't count as "caregiving." I think people might have a lot of different definitions of what they consider a "caregiver." Clarity in the law would be really helpful to someone in my situation to know if my assistant would count as a caregiver and could return my ballot. 16. In short: with the new requirements in Senate Bill 202, I believe I would be committing a crime any time I tried to have someone return my ballot because I would need to ask someone other than a family member or a caregiver. The new criminal penalties are one of the big reasons I don't feel that absentee voting is accessible to me at all. 17. I traditionally have had problems with my mail being slow. It sometimes takes three full days for my mailman to come pick up my mail. If the election drew close and I were in a rush, trying to return an absentee ballot, I believe I would need to go all the way to a dropbox to return my ballot. But I can't get to dropboxes easily at all; in my experience, public transportation isn't going to drive me up and let me drop off my ballot and then take me home immediately after. I believe I would need to set up two separate trips to the dropbox with MARTA simply to drop off my ballot and get home, or pay my assistant to drive me. 18. The new requirement that dropboxes remain open for fewer

DECLARATION OF EMPISH THOMAS IN SUPPORT OF AME PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

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DECLARATION OF EMILY THOMAS

(Pursuant to 28 U.S.C. § 1746)

Around 1999 or 2000, I became completely blind. I have been completely blind for 22

years. It is not that I am visually impaired; I have no vision.

As a result of having no vision, I don't drive myself to vote. Most of the time, I have been transporting myself to vote by taking the MARTA bus. MARTA Mobility is a reservation service that picks you up and drops you off in a fixed window of time that you reserve in advance. A couple of times, I have taken a rideshare service like Uber or Lyft to vote, and sometimes I have used rides-to-the-polls programs or walked to the precinct with a sighted friend if it is located close enough to me.

I generally rely on MARTA to get me to the polls for a few reasons. First, because rideshares are very expensive. Second, sometimes I don't have anyone in the area to give me a ride to the polls. Also, I have tried ride to the poll programs and had the person not show up. That is why I rely on booking MARTA rides to vote.

7. I have received assistance with voting ever since I lost my vision in about 1999 or 2000, both when voting absentee and when voting in-person. I have voted absentee twice since becoming blind, with assistance, once in 1999 and once in 2020.
8. The second time I tried to vote absentee, it was during the 2020 primary election. My friend who is sighted assisted me. Even with her assistance, I found the process of requesting and filling out the ballot complicated. Fortunately, I was able to get my sighted friend, who I trusted to come over, to mark my ballot and mail it for me.
9. Because of the barriers with the absentee ballot process, I do not feel that absentee voting is accessible to me as a person with a disability, and I have decided that voting in person is generally the only way for me to vote going forward.
10. The increased barriers to absentee voting under Senate Bill 202 are part of the reason I am not willing to try absentee voting again. Before Senate Bill 202, it was already a barrier to find a trusted sighted person to help me fill out my absentee ballot. It has to be someone who I trust to mark my ballot the way I want them to and who I know won't change my vote. It's always a question in my mind whether I can trust a person with information like that, and it's hard to find someone I know that I can trust with my ballot.
11. With the new penalties in SB202 adding a criminal penalty for incorrectly providing me with assistance, and the requirement that I and anyone who helps me must fill out a confusing and intimidating oath, now, trying to locate the right person to help me with my ballot is even harder. Not only would I have to find someone who is eligible to assist me who I can trust with my private information and with respecting my political choices; it also has to be someone who is willing to sign their own name on the voter assistance oath and risk criminal penalties if they made a mistake. I believe that the criminal penalties

create a further barrier because I know a lot of people would be intimidated by the idea of facing a criminal penalty or a legal issue if they help me. I know, for instance, some people who have refused to help me fill out paperwork at the doctor's office in the past because the paperwork included technical, legal language about HIPAA.

12. I also know that if I tried to get someone to help me return my absentee ballot, I'd face insurmountable barriers to doing so. First of all, I don't have any family members living in Georgia. Second, I don't have anyone who I consider a caregiver. I'm a functional, independent person with a disability, and I don't even think I am eligible for most caregiving services based on my level of income and my level of daily functioning.
13. It's a misconception about people with disabilities that we always rely on caregivers to help us. Out of my friends in the blind community in Atlanta, most of them live independently, and I wouldn't say they have "caregivers."
14. I have an assistant who is someone who comes over about once a month, or sometimes less. It ebbs and flows. Generally, I pay her to do different tasks for me. Sometimes I don't have the money to pay her, so I don't meet with her in a given month. She gives me rides places and helps me with things like paper mail, reading inaccessible websites, household chores, shopping, dealing with my printer, filling out forms that aren't accessible, or other tasks. When I worked as a contractor, I paid her through my business to do business-related tasks, like helping me with my blog and website. I don't consider my assistant a caregiver because she doesn't provide me with care, and I don't see her regularly.
15. I think it's confusing that the new voting law doesn't say who a caregiver is because I've come to believe that someone in a caregiver role is doing a lot more than what my assistant is doing (visiting me occasionally to help with tasks). While I don't know how the state is

defining the word “caregiver” in its election laws, I would assume there are certain criteria to meet, like living with you or helping you more regularly, and that my assistant wouldn’t be considered a “caregiver.” Also, when I’ve applied for benefits in the past, I was told that this kind of occasional assistance didn’t count as “caregiving.” I think people might have a lot of different definitions of what they consider a “caregiver.” Clarity in the law would be really helpful to someone in my situation to know if my assistant would count as a caregiver and could return my ballot.

16. In short: with the new requirements in Senate Bill 202, I believe I would be committing a crime any time I tried to have someone return my ballot because I would need to ask someone other than a family member or a caregiver. The new criminal penalties are one of the big reasons I don’t feel that absentee voting is accessible to me at all.
17. I traditionally have had problems with my mail being slow. It sometimes takes three full days for my mailman to come pick up my mail. If the election drew close and I were in a rush, trying to return an absentee ballot, I believe I would need to go all the way to a dropbox to return my ballot. But I can’t get to dropboxes easily at all; in my experience, public transportation isn’t going to drive me up and let me drop off my ballot and then take me home immediately after. I believe I would need to set up two separate trips to the dropbox with MARTA simply to drop off my ballot and get home, or pay my assistant to drive me.
18. The new requirement that dropboxes remain open for fewer hours makes dropboxes even less accessible. That is because I’m dependent on someone else to drive me, and I’m beholden to when MARTA or my assistant can take me and when they’re available. If I didn’t reach the dropbox in the given window of time that the county establishes, I wouldn’t

be able to drop off my ballot. At that point, I might as well just go in person and vote. Maybe it's convenient for able bodied persons to have a dropbox, but as the program stands, it's not accessible to people like me, who have a visual disability and rely on a ride from another person.

19. Because I feel that absentee voting is not accessible to me, I now generally vote in-person.
20. Ordinarily, with in-person voting, poll workers help me with filling out any paperwork on Election Day; I give the poll worker my Georgia-state identification card, and the poll workers fill out the form that I sign. Next, poll workers escort me to an accessible voting machine. The poll workers make sure that I am seated and that the machine is properly functioning before they walk away. I also get escorted by a poll worker to the voting machine to cast my ballot and turn in my plastic voter card. Lastly, I receive assistance from a poll worker as an escort to the door to sit and wait on the MARTA bus to return home.
21. In May 2022, I went to vote in-person at my precinct, New Birth Missionary Baptist Church. I live right near there, but I got a ride from MARTA and had them drop me off at the precinct, and I booked a second trip for them to come back and pick me up after voting.
22. When I arrived at the precinct, I had to wait over an hour for a poll worker to fix the accessible voting machine. Because I had to wait over an hour, I was worried that I would miss my scheduled ride on the MARTA bus and have to book another reservation with MARTA and come back another day.
23. My experience with waiting for over an hour at my precinct encouraged me not to ever vote at that location again.

24. On Monday, October 24, 2022, I went to vote early in-person in the 2022 general election.

I took the bus to the old Sam's Club in Stonecrest in DeKalb County. When I arrived, a poll worker told the MARTA mobility driver to have me sit at a table. Another poll worker came over and asked if the MARTA driver was going to help me with my form. I explained that the MARTA driver worked for MARTA and was only dropping me off. The poll worker then went off to find someone to assist me. I was surprised that the poll worker did not agree to assist me because, ordinarily, poll workers help me with my election paperwork.

25. I sat there and patiently waited. I was confused because the precinct was not crowded. After waiting for approximately 15 or 20 minutes, I got up and walked toward where I could hear people and asked when someone was coming over to assist me. This process seemed strange because I have voted in elections since 1996, and I have never been told to sit and wait at a table, especially when the precinct appeared not to be busy.

26. At that point, a poll worker told me that the poll workers could no longer help me with voting and that the poll workers would have to get another voter to assist me.

27. I was very angry at what the poll worker told me and insisted that this information cannot be true. The poll workers insisted that this information was true and referenced Senate Bill 202. In fact, one of the poll workers told me that she called and spoke to her director to confirm what she told me.

28. I pushed back against what she told me and shared about a blind friend who went to vote at the headquarters location on Memorial Drive. I told the poll worker that my blind friend didn't have this problem and voted on the first day of early voting. Still, the poll workers insisted that the information they shared with me was correct and refused to help me.

29. In every prior election where I voted in person, poll workers have been willing to help me, except for this experience on October 24, 2022.
30. All my assistance with voting on October 24, 2022, came from a stranger, and that is a problem. Luckily, the stranger, a fellow voter, was kind; however, she understandably had no familiarity with how to help a blind voter cast her ballot. The poll workers gave her some instructions on how to help me.
31. After I voted, she printed out my ballot, and she started to grab the ballot off the machine. I immediately stopped her and told her not to touch my ballot. She quickly apologized and responded that she didn't know that she could not touch my ballot. I told her that it was okay and that these instances are why I have a problem with this whole process of voting in-person without receiving assistance from poll workers. She was not a poll worker and I believe she could not have known not to touch my ballot.
32. Next, the fellow voter escorted me to the other machine to cast my ballot, and a poll worker asked me to turn in my plastic voter card. When I gave my voter card to him, he asked to see my ballot to get some kind of QR code off it. I got upset and told him he is not supposed to see my ballot. I asked him what is a QR code because I didn't remember being asked for a QR code before.
33. Another poll worker came over to me and began to explain to me that the poll workers needed to know my precinct. I told both poll workers that my precinct was New Birth Missionary Baptist Church. I was confused why the poll workers did not just ask me for my precinct in the first place instead of requesting to see my ballot.
34. Next, the poll workers offered to insert my ballot in the machine. I again got upset with the poll workers and told them that they were not supposed to touch my ballot and said I will

insert it in the machine myself. I ended up inserting my ballot in the machine to cast my ballot.

35. After I cast my ballot, the fellow voter escorted me outside so I could wait for my ride.

When I made it home, I researched Senate Bill 202. The information I found made no mention about assisting or not assisting a blind voter who needs assistance casting her vote in person. As a result, I called the office of the Georgia Secretary of State and filed a complaint with them. The office referred me to the DeKalb County Election Office where I tried to file a formal complaint and a written statement around November 2022.

36. My friend, who is also blind, told me that she experienced the same issues voting at the Sam's Club. She told me that the poll workers refused to help her fill out her voter information and that her mother had to assist her with her ballot instead.

37. I voted at my county headquarters early in late November 2022 for the December 2022 runoff because I didn't want to go through again what happened at Sam's Club. I went to a different location, a farther bus ride away. Sam's Club is only 5-10 minutes away by car, and the headquarters is in Decatur, meaning I had to go about 45 minutes to an hour on the bus to the other location. But I didn't want to go through that situation again, so I preferred to take the much longer trip to go vote. My friend also decided to vote at the headquarters because of her experiences being refused assistance at the Sam's Club location.

38. As a person with a disability, I always know to be looking out for accessibility problems with in-person voting, and I unfortunately have come to expect to face long wait times both to get to the polls and to get the assistance I need with voting once I get to my polling place. If absentee ballots were made accessible to me as a person with a disability, I would prefer to have them as an option as well. I have faced barriers that nondisabled voters do not have

to face, and the changes and restrictions that Senate Bill 202 created have made voting even less accessible to voters like me.

39. Voting is important to me because it allows me to have equity and representation in our politics. When voting is accessible, I have equal access to participate in politics alongside my able-bodied peers. When voting is not accessible, I do not have equal access to our political process, which is frustrating to me because I have thoughts and views just like anyone else. It is also important to me to have privacy and independence in the voting process.
40. Having these accessibility barriers makes disabled people feel like an afterthought in the voting process. It's 2023, and the ADA has been around since 1990. We have all these laws and rights now, and it's disappointing that we are still dealing with these problems with voting.

Executed on

Empish Thomas

Empish Thomas

EXHIBIT 3

FOR THE NORTHERN DISTRICT OF GEORGIA
FLA. JUD. DIVISION

1. I have been registered to vote in Georgia since 2006. 2. I am 76 years old and white. 3. Due to my advanced age, I have difficulty walking and standing for long periods of time. I had to kneel replaced and I have arthritis in my back that makes walking painful. On bad days, I have to drive to the mailbox in front of my house just to pick up my mail. I use a cane for walking any distance longer than very short trips. For example, if I have to mail a

DECLARATION OF PATRICK CHICONE, SUPERVISOR OF ALE
BRANCHES, MOTION FOR ABBREVIATED JUDICIAL NOTICE

os well. I would have voted absentee, but I am concerned about the reliability of mail-in voting and having to go inside of the building to use a drop box again. 11. In the November 2022 election, I voted early in-person again because of my experiences with the drop box, and because I was concerned about the shorter time to submit a absentee ballot. I was also concerned about providing a pen-and-ink signature given that my handwriting has deteriorated over the years. These changes contributed to my choice to vote in-person, even though walking and standing in line are difficult for me. I had to wait a while, about 20 minutes, and then I saw around the corner that there was a seating area. I then asked poll workers to let me sit down in the seating area. I saw and waited about 10 more minutes sitting down. I was not offered the option to skip the line or to sit down, and had to request that the poll workers let me sit down. I didn't see any signs telling me I could skip the line or sit down. 12. In the December 2022 election, I voted by early, in-person voting because of all the issues I face with accessing a absentee voting and drop boxes, because I don't trust the mail, and because I wanted to avoid standing in too long of a line on Election Day due to my physical disabilities. I would much rather vote by mail, and my choice would be to get a absentee ballot and mail it if that were an option, but I don't trust that my vote would be counted and I don't feel that drop boxes are accessible to me as an alternative to the mail. When I voted in person early, I was not told that I could skip the line, but this time, I saw a sign for voters with disabilities telling me I was able to skip the line, so I asked poll workers to let me do so. 13. When I was young, voting was as easy to do. It is not right that the procedure to exercise this basic right has become so complicated and burdensome. I already face significant barriers to being able to cast my ballot, and Senate Bill 202 made it even harder for me to do so and will continue to make it harder in the future. I also feel that people with disabilities vote in Georgia since 2006.

2. I am 76 years old and white.
3. Due to my advanced age, I have difficulty walking and standing for long periods of time. I had two knees replaced and I have arthritis in my back that makes walking painful. On bad days, I have to drive to the mailbox in front of my house just to pick up my mail. I use a cane for walking any distance longer than very short trips. For example, if I have to mail a letter, I will use a cane to walk to the mail counter from my car. My disability substantially limits some of my major life activities, including walking and standing. I struggle to stand in line to vote because of my disability and before Senate Bill 202, I would typically vote absentee by mail.
4. In 2020, I thought that there were changes and turmoil at the U.S. Postal Service that could interfere with voting by mail, so to be sure that my vote would be counted, I decided to vote instead by absentee ballot that I could place directly in a dropbox. That was an easy way to vote; it was perfect and it helped me a lot. For the 2020 presidential election, it felt like dropboxes for absentee ballots were everywhere. I deposited my ballot for that election at the Roswell Branch Library at 115 Norcross Street, in Roswell, Georgia, 30075, where the dropbox was located outside the building and I didn't have to enter the library. It was a very convenient location for me, only a five-minute drive from my home, and ballots could be deposited at any

time of day.

5. This option was convenient and made it much easier for me to cast my ballot because I could park in an accessible spot right by the outdoor dropbox. I was able to easily walk up the outdoor ramp and drop off my ballot, without any difficulty walking to or accessing the dropbox. It is hard for me to place my ballot in an indoor dropbox because accessibility can be unpredictable and the hours they are open are limited. Additionally, given my advanced age, I avoid grocery shopping, running errands, and driving during business hours when there are more people and traffic on the road. The ability to use an outdoor dropbox during any time of the day allows me to only be on the road during times when it is comfortable for me to drive.

6. In 2021, most dropbox locations were eliminated, including the outdoor location at the Roswell Branch Library that I previously used. I learned that the dropbox nearest to my home now was at the Alpharetta Branch Library at 10 Park Plaza, Alpharetta, Georgia 30009, a twenty-five-minute drive from my home at best, depending on traffic. It's also located in a very congested part of Alpharetta.

7. On October 21, 2021, I arrived at the Alpharetta Branch Library to deposit my ballot. I parked in an accessible parking space outside the library but did not bring my cane with me because I expected the dropbox to be conveniently located in the lobby. However, I saw no dropbox in the lobby. A librarian directed me to the voting area, which was at the other end of the building at the end of an extremely long hall – as far away as possible from the library front door. It angered me that the location was so inconvenient.

8. Without my cane, I had difficulty and it took me some time to make my way down the hall to a small room where the dropbox was located. I had to support myself walking by holding onto chairs and desks and taking many breaks along the way. Three older men were

seated in the room, apparently observing the dropbox. After I had deposited my ballot, they directed me to exit the back of the building by another hallway. I told them that was ridiculous, and that I would not take that longer way out, but would return by the same hallway I had come by, which led more directly to my car. I complained to them that the long walk was very hard for me, and that it was not acceptable that there were no handrails in the hallway or any other accommodations for elderly or disabled persons. They looked amused by my complaints. Ultimately, it took me 60-90 minutes to vote that day, including driving to and from Alpharetta.

9. A woman wearing a pin, who appeared to be a voting official, then approached me. She was not a librarian. She apologized to me for my trouble in reaching the dropbox location. She told me that the dropbox had originally been located in the library lobby, but that they had gotten a call from “downtown” instructing them to move the box from the lobby to the separate voting area. She said I was not the first person who complained that day about the inaccessible location of the dropbox in the building. Having a dropbox outside would have been more easily accessible for me than having the dropbox in the lobby; but having the dropbox located at the end of a long hallway was *especially* frustrating after I had to drive such a long distance and enter the library in the first place, rather than the dropbox simply being outside the entrance.

10. This process was so difficult that I chose to vote early and in-person in the May 2022 primary elections. Before the new voting laws limited dropboxes, I would have used the dropbox in Roswell and the entire process would have taken 20-30 minutes including transportation. I did not want to drive all the way to the dropbox in Alpharetta again and have to go inside the building, so I chose to vote in-person during early voting. There was a line and I had to wait standing up for about 20 minutes before I asked a poll worker for a chair because

standing had become so difficult. I was not told that I could go to the front of the line or sit down. I didn't see any signs telling me I could skip the line or sit down. The process still took nearly an hour and was far more difficult than using the old dropbox in Roswell. I would have voted absentee, but I am concerned about the reliability of mail-in voting and having to go inside of the building to use a dropbox again.

11. In the November 2022 election, I voted early in-person again because of my experiences with the dropbox, and because I was concerned about the shorter time to submit absentee ballots. I was also concerned about providing a pen-and-ink signature given that my handwriting has deteriorated over the years. These changes contributed to my choice to vote in-person, even though walking and standing in line are difficult for me. I had to wait a while, about 20 minutes, and then I saw around the corner that there was a seating area. I then asked poll workers to let me sit down in the seating area I saw, and waited about 10 more minutes sitting down. I was not offered the option to skip the line or to sit down, and had to request that the poll workers let me sit down. I didn't see any signs telling me I could skip the line or sit down.

12. In the December 2022 election, I voted by early, in-person voting because of all the issues I face with accessing absentee voting and dropboxes, because I don't trust the mail, and because I wanted to avoid standing in too long of a line on Election Day due to my physical disabilities. I would much rather vote by mail, and my choice would be to get an absentee ballot and mail it if that were an option, but I don't trust that my vote would be counted and I don't feel that dropboxes are accessible to me as an alternative to the mail. When I voted in person early, I was not told that I could skip the line, but this time, I saw a sign for voters with disabilities telling me I was able to skip the line, so I asked poll workers to let me do so.

13. When I was young, voting was easy to do. It is not right that the procedure to

exercise this basic right has become so complicated and burdensome. I already face significant barriers to being able to cast my ballot, and Senate Bill 202 made it even harder for me to do so and will continue to make it harder in the future. I also feel that people with disabilities weren't taken into account when the law was passed and was shocked and infuriated that people with disabilities weren't given a chance to weigh in on the process of making the law. Because of my disability, I have to deal with barriers created by Senate Bill 202 that other voters don't have to and this feels very frustrating and wrong.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **03/21/2023**



Patricia Chicoine

EXHIBIT 4

EXHIBIT 4 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 SIXTH
DISTRICT OF THE AFRICAN METHODIST EPISCOPAL CHURCH, et al., Civil Action No.: 1:21- cv-01284-JPB
Plaintiffs, v. BRIAN KEMP, Governor of the State of Georgia, in his official capacity, et al., Defendants,
REPUBLICAN NATIONAL COMMITTEE, et al., Intervenor-Defendants, Docket Entry No. 1284-1, SHANNON MATTOX
IN SUPPORT OF AME PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION Pursuant to 28 U.S.C.

Section 1746, I hereby declare as follows: 1. I, Shannon Mattox, am over 21 years of age and competent to
make this declaration. Under penalty of perjury I declare the following based upon my personal knowledge.

Background about The Arc Georgia: 2. I have been a resident of Cobb County, Georgia since September 2021
and identify as Black. 3. I am the State Director of The Arc Georgia, an office of The Arc of the United States,
have served as the State Director of The Arc Georgia since July 2021. 4. The Arc Georgia is a nonpartisan, non-
profit membership organization located in Smyrna, Georgia. 5. The Arc Georgia serves people with intellectual
and/or developmental disabilities (IDD) statewide both directly and through our ten (10) affiliated member
chapters located throughout the state. 6. The Arc Georgia has approximately three thousand (3,000) members
throughout the state and reach more people with IDD and their families through our events and coalition work.
The Arc Georgia's members are people who share our values and support our mission, including people with IDD
and their families. We communicate with our members through emails, action alerts, social media, webinars, and
at our events. 7. The Arc Georgia's mission is to promote and protect the human rights of people with IDD and
actively support their full inclusion and participation in the community throughout their lifetimes. 8. To achieve this
mission, The Arc Georgia engages in public policy advocacy and develops programs to support people with IDD
to remain live, participate in recreational activities, and work in their communities with the supports they need to
thrive. 9. The Arc Georgia has identified protecting the rights of voters with IDD through voter outreach,
education, and registration as a priority. The Arc Georgia is committed to making sure that voting is accessible to
voters with disabilities who are eligible to vote. 10. The Arc Georgia's position statement on Human and Civil
Rights—adopted from The Arc's national office—states in part: "People with IDD have the same human rights as
all people and are entitled to the same benefits and legal protection of their civil rights...Regrettably, even with
federal protections, people with IDD continue to face barriers to the full exercise and enjoyment of their human
and civil rights, including: discrimination in...voting...legislation and regulations that restrict or limit access to
voting or the ability to vote without undue barriers or hardship, including support to cast one's ballot." 2 11. In my
role as State Director, I am the sole employee of The Arc Georgia and am responsible for overseeing The Arc
Georgia's operations, including management and implementation of The Arc Georgia's programs in collaboration
with our local chapters across the state. I also oversee and train our volunteers, including those volunteers in our
Grassroots Connectors program. I also participate in approximately nine (9) coalitions across the state to further
our work. Our work includes state legislative advocacy; supporting our local chapters across the state;

conducting trainings for self-advocates and the community at large; overseeing programs on leadership
development for youth with IDD and accessible transportation; providing support, advocacy, and referrals for
people with IDD and their family members across the state regarding matters such as voter registration, education,
employment, housing, access to Medicaid services and healthcare, and transportation. 12. The Arc participates
in this action on behalf of its members who are qualified voters with disabilities across the state pursuant to the

Americans with Disabilities Act. The Arc Georgia's Activities Before S.B. 202 13. Before the passage of S.B. 202,
The Arc Georgia engaged in public policy and implemented programs to support the inclusion of people with IDD
into the community. This included, but was not limited to, trainings, outreach, and activities to: advance the rights
of students with IDD in special education; help Georgians with IDD access adequate Medicaid services through
federal Medicaid Waivers so that they could live in the community; promote integrated employment and post-
secondary educational opportunities for people with IDD; ensure that people with IDD have access to
transportation and assistive technology; and address stigma within the IDD community. 14. The Arc Georgia also
engaged in advocacy for voters with disabilities before S.B. 202. Over the years, this advocacy has included: a.
Leading the Register, Educate, Vote—Use your Power ("REV Up") Georgia program, a statewide volunteer
coalition of advocacy organizations that seeks to foster civic engagement and protect the voting rights of
Georgians with IDD. As part of this work, The Arc Georgia provided education and outreach to people with IDD to
help them understand the voting process, including resources to explain things like voter registration, and assist
with voter mobilization for Georgia ID requirements, transportation, guardianship and voting law, voting by mail,
and ballot access for deaf, hard-of-hearing, blind, and low-vision voters. b. The Arc Georgia also regularly
convened a group of "Grassroots Connectors" consisting of volunteer disability rights advocates from across the
state. These Grassroots Connectors support and advocate for voters with IDD, with a particular focus on
supporting Black voters with IDD in rural communities. Specifically, during the General Election in 2020 and
Runoff Elections, The Arc Georgia alongside our Grassroots Connectors, supported voters with disabilities by
coordinating transportation to the polls and to drop box locations; providing 3 food and water to voters waiting in
long lines; educating voters on the absentee ballot process; assisting voters with IDD with applying for and filing
out absentee ballots; engaging in a Get Out The Vote (GOTV) postcard campaign; arranging two virtual
presidential election town halls focused on issues relevant to voters with disabilities; organizing a virtual Senate
candidate disability forum that was broadcast to over eight thousand (8,000) viewers in Georgia and beyond; and
engaging in voter registration and outreach and assistance. Impact of S.B. 202 on The Arc Georgia's Activities
15. The passage of S.B. 202 caused a state of emergency in The Arc Georgia's work. At times, most of my work
as State Director has related to S.B. 202, including educating our members on the changes to the law and
supporting them as they navigate new barriers to voting. We have also had to increase the number of volunteers
through our Grassroots Connectors program to address our increased educational outreach on S.B. 202. 16. The
Arc Georgia has spent significant time and resources studying the implications of S.B. 202 to ensure our
activities comply with the changes in the law. We have had to train our volunteers and partners on the legislation
to ensure that they are providing accurate information. S.B. 202's addition of explicit felony penalties to the
assistance provisions of the law makes conveying this information even more important because of the risk to

our members of criminal penalties. 17. Since the passage of S.B. 202, The Arc Georgia had participated in certain activities that are prohibited by the bill. Prior to the passage of S.B. 202, The Arc Georgia had participated in handing out food and water to voters waiting in line at the polls. Regardless of the line length, The Arc Georgia members' relief activities involved approaching voters within 25 feet of the voting line. Stacey Ramirez, the previous State Director of The Arc Georgia, previously submitted a declaration in this case on May 11, 2022 that describes in further detail The Arc Georgia's line relief activities before S.B. 202. Since the passage of S.B. 202, we have had to cease our line relief activities entirely. 18. As a result of S.B. 202, The Arc has spent time and resources developing new and costly training materials and educational programs about S.B. 202 to help our members who are burdened by these changes in the law. The Arc Georgia conducted widespread trainings for people with IDD about S.B. 202, including town-halls, virtual events, meetings, multi-day trainings, and other grassroots activities. We created a documentary about S.B. 202 and the challenges it created for voters with disabilities, which was posted to our website, disseminated to our members and the community, and screened at events, including events held by our chapters. We also provided extensive support to one of our Grassroots Connectors to create a weekly webinar that provided information about S.B. 202. This included training the volunteer on the impact of S.B. 202, paying for a Zoom subscription so he could host the event, designing and disseminating marketing materials, coordinating guests, and providing technical support. Our members have also responded to an increased number of calls from our members with questions about voting and S.B. 202. Our outreach and educational programming on S.B. 202 rose to levels that we well exceeded our typical work on voting pre S.B. 202. Furthermore, the nature of our voting work changed. In addition to our efforts to expand the disability vote through helping people with disabilities register to vote and apply for absentee ballots, I needed to conduct trainings on how people with disabilities could navigate new barriers to voting caused by S.B. 202 and assist existing voters with navigating these changes. 19. Prior to S.B. 202, The Arc Georgia helped people with disabilities apply for and fill out absentee ballots. We also conducted educational programming and outreach to the disability community through our Grassroots Connectors about how to apply for, fill out, and submit absentee ballots. Now that S.B. 202 makes it felony to be an unauthorized handler of a completed absentee ballot, we have had to retrain our volunteers and staff to ensure that they are clear with our members and their assistants about the serious implications of unauthorized ballot return. Many people with disabilities rely on the support of others to return their ballots without barriers have relied on residential facility staff, neighbors, and trusted friends to help them return their ballots due to their disabilities. We have had to divert resources to educate people about the consequences of a person who is not a "caregiver" or family member returning their ballot for them so that they are not guilty of a felony. 20. In light of S.B. 202, we needed to update our materials to reflect the limitation on drop boxes, that they are only available during certain hours, and must be located inside. We have conducted additional training for our volunteers so that they can better help people navigate limited access to drop boxes. We have also conducted outreach to educate people with disabilities on how they can return their ballots and have made referrals for transportation services to people who need to get to the polls and drop boxes. We have also had to provide technical assistance and support to members about how to submit their ballots. 21. During our training and outreach, I have listened to members of The Arc Georgia's stories about how S.B. 202 made it harder for them to vote or kept them from voting. Some of the reasons members have indicated that they were burdened or un-

7. The Arc Georgia's mission is to promote and protect the human rights of people with IDD and actively support their full inclusion and participation in the community throughout their lifetimes.
8. To achieve this mission, The Arc Georgia engages in public policy advocacy and develops programs to support people with IDD to learn, live, participate in recreational activities, and work in their communities with the supports they need to thrive.
9. The Arc Georgia has identified protecting the rights of voters with IDD through voter outreach, education, and registration as a priority. The Arc Georgia is committed to making sure that voting is accessible to voters with disabilities who are eligible to vote.
10. The Arc Georgia's position statement on Human and Civil Rights—adopted from The Arc's national office—states in part: "People with IDD have the same human rights as all people and are entitled to the same benefits and legal protection of their civil rights...Regrettably, even with federal protections, people with IDD continue to face barriers to the full exercise and enjoyment of their human and civil rights, including: discrimination in...voting...legislation and regulations that restrict or limit access to voting or the ability to vote without undue barriers or hardship, including support to cast one's ballot."

11. In my role as State Director, I am the sole employee of The Arc Georgia and am responsible for overseeing The Arc Georgia's operations, including management and implementation of The Arc Georgia's programs in collaboration with our local chapters across the state. I also oversee and train our volunteers, including those volunteers in our Grassroots Connectors program. I also participate in approximately nine (9) coalitions across the state to further our work. Our work includes state legislative advocacy; supporting our local chapters across the state; conducting trainings for self-advocates and the community at large; overseeing programs on leadership development for youth with IDD and accessible transportation; providing support, advocacy, and referrals for people with IDD and their family members across the state regarding matters such as voting, education, employment, housing, access to Medicaid services and healthcare, and transportation.
12. The Arc participates in this action on behalf of its members who are qualified voters with disabilities across the state pursuant to the Americans with Disabilities Act.

The Arc Georgia's Activities Before S.B. 202

13. Before the passage of S.B. 202, The Arc Georgia engaged in public policy and implemented programs to support the inclusion of people with IDD into the community. This included, but was not limited to, trainings, outreach, and activities to: advance the rights of students with IDD in special education; help Georgians with IDD access adequate Medicaid services through federal Medicaid Waivers so that they could live in the community; promote integrated employment and post-secondary educational opportunities for people with IDD; ensure that people with IDD have access to transportation and assistive technology; and address stigma within the IDD community.
14. The Arc Georgia also engaged in advocacy for voters with disabilities before S.B. 202. Over the years, this advocacy has included:
 - a. Leading the Register, Educate, Vote—Use your Power (“REV Up”) Georgia program, a statewide volunteer coalition of advocacy organizations that seeks to foster civic engagement and protect the voting rights of Georgians with IDD. As part of this work, The Arc Georgia provided education and outreach to people with IDD to help them understand the voting process, including resources to explain things like voter registration, and assist with voter mobilization for Georgia ID requirements, transportation, guardianship and voting law, voting by mail, and ballot access for deaf, hard-of-hearing, blind, and low-vision voters.
 - b. The Arc Georgia also regularly convened a group of “Grassroots Connectors” consisting of volunteer disability rights advocates from across the state. These Grassroots Connectors support and advocate for voters with IDD, with a particular focus on supporting Black voters with IDD in rural communities. Specifically, during the General Election in 2020 and Runoff Elections, The Arc Georgia alongside our Grassroots Connectors, supported voters with disabilities by coordinating transportation to the polls and to drop box locations; providing

food and water to voters waiting in long lines; educating voters on the absentee ballot process; assisting voters with IDD with applying for and filing out absentee ballots; engaging in a Get Out The Vote (GOTV) postcard campaign; arranging two virtual presidential election town halls focused on issues relevant to voters with disabilities; organizing a virtual Senate candidate disability forum that was broadcast to over eight thousand (8,000) viewers in Georgia and beyond; and engaging in voter registration and outreach and assistance.

Impact of S.B. 202 on The Arc Georgia's Activities

15. The passage of S.B. 202 caused a state of emergency in The Arc Georgia's work. At times, most of my work as State Director has related to S.B. 202, including educating our members on the changes to the law and supporting them as they navigate new barriers to voting. We have also had to increase the number of volunteers through our Grassroots Connectors program to address our increased educational outreach on S.B. 202.
16. The Arc Georgia has spent significant time and resources studying the implications of S.B. 202 to ensure our activities comply with the changes in the law. We have had to train our volunteers and partners on the legislation to ensure that they are providing accurate information. S.B. 202's addition of explicit felony penalties to the assistance provisions of the law makes conveying this information even more important because of the risk to our members of criminal penalties.
17. Since the passage of S.B. 202, The Arc no longer engages in certain activities that are prohibited by the bill. Prior to the passage of S.B. 202, The Arc Georgia had participated in handing out food and water to voters waiting in line at the polls. Regardless of the line length, The Arc Georgia members' relief activities involved approaching voters within 25 feet of the voting line. Stacey Ramirez, the previous State Director of The Arc Georgia, previously submitted a declaration in this case on May 11, 2022 that describes in further detail The Arc Georgia's line relief activities before S.B. 202. Since the passage of S.B. 202, we have had to cease our line relief activities entirely.
18. As a result of S.B. 202, The Arc has spent time and resources developing new and costly training materials and educational programs about S.B. 202 to help our members who are burdened by these changes in the law. The Arc Georgia conducted widespread trainings for people with IDD about S.B. 202, including town halls, virtual events, meetings multi-day trainings, and other grassroots activities. We created a documentary about S.B. 202 and the challenges it created for voters with disabilities, which was posted to our website, disseminated to our members and the community, and screened at events, including events held by our chapters. We also provided extensive support to one of our Grassroots Connectors to create a weekly webinar that provided information about S.B. 202. This included training the volunteer on the impact of S.B. 202, paying for a Zoom subscription so he could host the event, designing and disseminating marketing materials, coordinating guests, and providing technical support during the webinars. I have also responded to an increased number of calls from our members with questions about voting and S.B. 202. Our outreach and educational programming on S.B. 202 rose to levels that

well exceeded our typical work on voting pre S.B. 202. Furthermore, the nature of our voting work changed. In addition to our efforts to expand the disability vote, through helping people with disabilities register to vote and apply for absentee ballots, we needed to conduct trainings on how people with disabilities could navigate new barriers to voting caused by S.B. 202 and assist existing voters with navigating these changes.

19. Prior to S.B. 202, The Arc Georgia helped people with disabilities apply for and fill out absentee ballots. We also conducted educational programming and outreach to the disability community, through our Grassroots Connectors, about how to apply for, fill out, and submit absentee ballots. Now that S.B. 202 makes it felony to be an unauthorized handler of a completed absentee ballot, we have had to retrain our volunteers and staff to ensure that they are clear with our members and their assistants about the serious implications of unauthorized ballot return. Many people with disabilities rely on the support of others to return their ballots and our members have relied on residential facility staff, neighbors, and trusted friends to help them return their ballots due to their disabilities. We have had to divert resources to educate people about the consequences of a person who is not a “caregiver” or family member returning their ballot for them so that they are not guilty of a felony.
20. In light of S.B. 202, we needed to update our materials to reflect the limitation on drop boxes, that they are only available during certain hours, and must be located inside. We have conducted additional training for our volunteers so that they can better help people navigate limited access to drop boxes. We have also conducted outreach to educate people with disabilities on how they can return their ballots and have made referrals for transportation services to people who need to get to the polls and drop boxes. We have also had to provide technical assistance and support to members about how to submit their ballots.
21. During our training and outreach, I have listened to members of The Arc Georgia’s stories about how S.B. 202 made it harder for them to vote or kept them from voting. Some of the reasons members have indicated that they were burdened or unable to vote include, but are not limited to:
 - a. Many members of The Arc Georgia require assistance with activities of daily living and do not drive. Many lack access to reliable transportation and are unable to afford to pay someone to drive them to a polling place or drop box. They also may have mobility impairments that make it more difficult for them to fill out or physically mail and submit their absentee ballots themselves. Due to this, they are unable to drop off absentee ballots themselves and they rely on the support of others to help them fill out and submit their ballots. Due to their history of disenfranchisement and their struggle to access the right to vote, many people of color with disabilities are also fearful about the voting process generally. That S.B. 202 now makes it a felony for someone other than a family or household member or “caregiver” to submit an absentee ballot chills access to voting for people with disabilities, especially people of color. Some of our members are unable to vote because they need support from their neighbor, friend, or direct

support staff to submit their ballots. S.B. 202 makes it unclear whether these people would be committing a felony by providing this assistance. As an example, one member of The Arc Georgia has cerebral palsy and glaucoma and lives in a nursing facility. Since the nursing facility that he lives in does not provide transportation or assistance at the polls it is difficult for him to vote in-person and he often must vote by absentee ballot. He needs help with many activities of daily living like bathing and dressing. Because his disability affects his mobility, he requires the support of an aide to apply for, complete, fill out, and mail his absentee ballot. He has typically received support from the social worker at his facility. Typically, the social worker helped him complete and seal the ballot, he and his social worker went outside to the mailbox and the social worker placed it inside the mailbox. Since S.B. 202 was passed the nursing facility took conflicting positions about whether staff could or could not assist residents. Because of the confusion S.B. 202 creates around who qualifies as a “caregiver”, our member is concerned that his social worker would not qualify as a caregiver and thus that they both could face criminal penalties. Without this assistance from nursing home staff, our member would not have other assistants available will not be able to vote.

- b. S.B. 202 requires that drop boxes be moved inside a building and only available during limited hours. Previously, drop boxes were available outside and people with disabilities could drop off their ballots any time without exiting their vehicles. S.B. 202 also limited the number of drop boxes available in each county. Many members of The Arc Georgia do not drive or have access to reliable transportation. It is difficult for them to arrange transportation generally. It is even harder when the drop box locations are limited and only available during business hours when family and supporters are at work and are unable to drive them. People with mobility and physical impairments also may have difficulty entering and exiting their vehicles to access the drop boxes inside of the building. These provisions make it harder for members of The Arc Georgia to vote.
 - c. Members of The Arc Georgia have also shared with me that they have had difficulty complying with S.B. 202 ID requirements because they cannot print out and send in the needed paperwork to access an absentee ballot.
22. Since S.B. 202 passed, there are many activities that are priorities for The Arc Georgia that we have not been able to dedicate resources to due to S.B. 202. As examples, we have not been able to conduct robust outreach and advocacy to help the almost 10,000 Georgians with IDD who are on the waitlist for Medicaid home and community-based services, services they need to live in their own homes in the community; to implement programs to help families advocate for children with IDD in special education; or to provide more support and leadership on issues other than voting to our ten (10) local chapters. We also would like to be advocating to address the shortage of direct support professionals who provide critical personal care services to people with IDD and have a high staff turnover due to low wages. This shortage has had a crucial impact in our

community and leads to people with IDD being at risk of institutionalization, neglect, and abuse. Unfortunately, due to the passage of S.B. 202 and all the work we have had to do associated with it, we have not been able to dedicate sufficient resources to address this important and time sensitive issue.

23. If S.B. 202 were to be enjoined, we would have more capacity to return to our work of working to ensure that our members, Georgians with IDD, can be fully included in the community. We would not have to help our members navigate so much confusion and barriers in casting their ballots.

I declare under penalty of perjury that the statements above are true.

This the 11th day of May, 2023.

A handwritten signature in black ink, reading "Shannon Mattox". The signature is written in a cursive, flowing style.

Shannon Mattox, State Director – The Arc Georgia

EXHIBIT 5A

4 EXHIBIT 5A 4 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 SIXTH DISTRICT OF THE AFRICAN METHODIST EPISCOPAL CHURCH, et al., Civil Action No.: 1:21- cv-01284-JPB Plaintiffs, v. BRIAN KEMP, Governor of the State of Georgia, in his official capacity, et al., Defendants, REPUBLICAN NATIONAL COMMITTEE, et al., Intervenor-Defendants Docket # 546-7 Filed 05/17/23
IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

1746, I hereby declare as follows: 1. I, Devon Orland, 1 am over the age of 21 and fully competent to make this declaration. Under penalty of perjury, I declare the following based upon my personal knowledge. Background on Georgia Advocacy Office (GAO): 2. I have been the Litigation Director at Georgia Advocacy Office ("GAO") since May 2017. In this role, I lead the legislative and educational teams and work with our program managers to facilitate legal issues, set priorities, and determine workload and case load. I work closely with our Executive Director in ensuring GAO carries out activities in conformity with applicable laws, regulations, grants and contractual requirements and ensuring that the organization is responsive to the advocacy needs of people with disabilities in Georgia. I am an attorney licensed to practice in Georgia. 3. GAO is incorporated as a non-profit organization in the State of Georgia. 4. GAO has been designated by the State of Georgia since 1977 as the State's protection and advocacy system ("P&A") to protect the legal and human rights of individuals with disabilities in the state of Georgia. This designation is currently pursuant to the Protection and Advocacy for Individuals with Mental Illness Act ("PAIMI"), 42 U.S.C. § 10801 et seq., the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. § 15041 et seq., and the Protection and Advocacy for Individual Rights Program of the Rehabilitation Act, 29 U.S.C. § 794e. 5. As the designated P&A, GAO is authorized to pursue administrative, legal and other appropriate remedies to protect and advocate for the legal rights of individuals with disabilities and to redress incidents of discrimination in the state. Central to our mission is empowering Georgians with disabilities to participate fully and independently as active and engaged citizens. GAO has the authority to prosecute actions in its own name and on behalf of its constituents. 42 U.S.C. § 15043(a)(2)(A)(i). 6. GAO's constituents are residents of Georgia with disabilities, as that population is defined by federal and/or state law. 1 Legally my full name is Devon Orland Christopher, but professionally I use Devon Orland. 2 4 7. GAO represents the interests of, and is accountable to, members of the Georgia disability community, and its funding is dependent on compliance with a governance structure that ensures oversight and control by the disability community. a. GAO has a multi-member governing board, which is responsible for the planning, design, implementation, and functioning of the protection and advocacy system. This Board of Directors annually establishes GAO's advocacy priorities. Over 80 percent of GAO's Board of Directors are individuals with disabilities and family members of individuals with disabilities. b. GAO has a statutorily mandated PAIMI Advisory Council, whose responsibility is to provide GAO with independent advice and recommendations about people with psychiatric disabilities. One hundred percent of GAO's PAIMI Advisory Council members are people with psychiatric disabilities. c. GAO regularly seeks public input on the direction of its work. This information is obtained through its Board of Directors, public meetings, and the PAIMI Advisory Council, public forums, presentations, and advocacy. d. Members of the disability community have the right to file grievances if they disagree with actions taken by GAO or believe they were wrongly denied services by GAO. 8. GAO has been a organizational plaintiff in a number of cases. For example, in 2019, a federal district court found that GAO has associational standing on behalf of women with mental illness in a case involving jail conditions at the South Fulton Jail (Georgia Advoc. Off. v. Jackson, No. 1:19-CV-1634-WMR-JFK, 2019 WL 12498011, at *2 n.1 (N.D. Ga. Sept. 23, 2019), modified on other grounds, No. 1:19-CV- 1634-WMR-RDC, 2020 WL 1883877 (N.D. Ga. Feb. 26, 2020), and order vacated, appeal dismissed on other grounds, 4 F.4th 1200 (11th Cir. 2021), vacated on other grounds, 33 F.4th 1325 (11th Cir. 2022)). • GAO v. State of Georgia: GAO's assertion of associational standing has not been challenged in a lawsuit filed in 2017 involving students with disabilities being placed in segregated educational settings. The court denied Defendants' motion to dismiss and subsequent motion for 3 4 judgment on the pleadings on other grounds and the case is ongoing. Case No. 1:17-CV-3999-MLB (N.D. Ga.). • GAO v. Reese: In a case filed in 2015, GAO was granted summary judgment and permanent injunction against Defendant Department of Community Health for failure to provide mental health records pursuant to GAO access authority. GAO's standing was not challenged. Case No. 1:15-cv-03372 (N.D. Ga.). GAO's Voting Work 9. GAO is the designated agency in Georgia to receive an annual grant, called Protection and Advocacy for Voting Access ("PAVA") pursuant to the Help America Vote Act ("HAVA"), requiring GAO to promote access and engagement in the electoral process for voters with disabilities. Based on our work under this grant, we know that our constituents have an interest in voting as a way to elevate their political interests and take a role in their communities. They are uniquely impacted by many laws that affect their ability to live independently and access education, among other rights, and they understand that their vote matters to their priorities. Our constituents frequently express an interest in voting and concerns about barriers in the voting process. GAO's current workplan goals for the PAVA program are: a. To ensure full participation in the electoral process for individuals with disabilities. b. To train and educate election officials, poll workers,, and service providers regarding the rights of voters with disabilities and best practices in supporting individuals with disabilities. c. To provide education, training, and assistance to individuals with disabilities, promoting participation in the electoral and complaint processes, self-advocacy, and self-determination. 10. GAO's constituents for our voting program include all voters with disabilities throughout Georgia, including people who are in institutions, such as nursing facilities, psychiatric hospitals, group homes, and other congregate settings. 11. GAO participates in this action on behalf of its constituents who are qualified voters with disabilities throughout the state, pursuant to the Americans with Disabilities Act. 4 4 12. Ensuring and promoting access to voting by people with disabilities is germane to GAO's purpose and is directly in keeping with GAO's overarching purpose: the protection of, and advocacy for, the rights of Georgians with disabilities. 13. GAO's funding for its voting work comes, in large part, from the federal PAVA grant. Under this formula grant, GAO receives a set amount of funding each year to conduct voting advocacy. This grant is relatively small but enables us to employ a PAVA Coordinator who also has other, nonvoting, responsibilities, and enables us to allocate PAVA funds to our

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 Plaintiffs, v. BRIAN KEMP, Governor of the State of Georgia, in his official capacity, et al., Defendants, REPUBLICAN NATIONAL COMMITTEE, et al., Intervenor-Defendants
DECLARATION OF DEVON ORLAND IN SUPPORT OF THE PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION

1746, I hereby declare as follows: 1. I, Devon Orland, 1 am over the age of 21 and fully competent to make this declaration. Under penalty of perjury, I declare the following based upon my personal knowledge. Background on Georgia Advocacy Office (GAO): 2. I have been the Litigation Director at Georgia Advocacy Office ("GAO") since May 2017. In this role, I lead the legislative and educational teams and work with our program managers to facilitate legal issues, set priorities, and determine workload and case load. I work closely with our Executive Director in ensuring GAO carries out activities in conformity with applicable laws, regulations, grants and contractual requirements and ensuring that the organization is responsive to the advocacy needs of people with disabilities in Georgia. I am an attorney licensed to practice in Georgia. 3. GAO is incorporated as a non-profit organization in the State of Georgia. 4. GAO has been designated by the State of Georgia since 1977 as the State's protection and advocacy system ("P&A") to protect the legal and human rights of individuals with disabilities in the state of Georgia. This designation is currently pursuant to the Protection and Advocacy for Individuals with Mental Illness Act ("PAIMI"), 42 U.S.C. § 10801 et seq., the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. § 15041 et seq., and the Protection and Advocacy for Individual Rights Program of the Rehabilitation Act, 29 U.S.C. § 794e. 5. As the designated P&A, GAO is authorized to pursue administrative, legal and other appropriate remedies to protect and advocate for the legal rights of individuals with disabilities and to redress incidents of discrimination in the state. Central to our mission is empowering Georgians with disabilities to participate fully and independently as active and engaged citizens. GAO has the authority to prosecute actions in its own name and on behalf of its constituents. 42 U.S.C. § 15043(a)(2)(A)(i). 6. GAO's constituents are residents of Georgia with disabilities, as that population is defined by federal and/or state law. 1 Legally my full name is Devon Orland Christopher, but professionally I use Devon Orland. 2 4 7. GAO represents the interests of, and is accountable to, members of the Georgia disability community, and its funding is dependent on compliance with a governance structure that ensures oversight and control by the disability community. a. GAO has a multi-member governing board, which is responsible for the planning, design, implementation, and functioning of the protection and advocacy system. This Board of Directors annually establishes GAO's advocacy priorities. Over 80 percent of GAO's Board of Directors are individuals with disabilities and family members of individuals with disabilities. b. GAO has a statutorily mandated PAIMI Advisory Council, whose responsibility is to provide GAO with independent advice and recommendations about people with psychiatric disabilities. One hundred percent of GAO's PAIMI Advisory Council members are people with psychiatric disabilities. c. GAO regularly seeks public input on the direction of its work. This information is obtained through its Board of Directors, public meetings, and the PAIMI Advisory Council, public forums, presentations, and advocacy. d. Members of the disability community have the right to file grievances if they disagree with actions taken by GAO or believe they were wrongly denied services by GAO. 8. GAO has been a organizational plaintiff in a number of cases. For example, in 2019, a federal district court found that GAO has associational standing on behalf of women with mental illness in a case involving jail conditions at the South Fulton Jail (Georgia Advoc. Off. v. Jackson, No. 1:19-CV-1634-WMR-JFK, 2019 WL 12498011, at *2 n.1 (N.D. Ga. Sept. 23, 2019), modified on other grounds, No. 1:19-CV- 1634-WMR-RDC, 2020 WL 1883877 (N.D. Ga. Feb. 26, 2020), and order vacated, appeal dismissed on other grounds, 4 F.4th 1200 (11th Cir. 2021), vacated on other grounds, 33 F.4th 1325 (11th Cir. 2022)). • GAO v. State of Georgia: GAO's assertion of associational standing has not been challenged in a lawsuit filed in 2017 involving students with disabilities being placed in segregated educational settings. The court denied Defendants' motion to dismiss and subsequent motion for 3 4 judgment on the pleadings on other grounds and the case is ongoing. Case No. 1:17-CV-3999-MLB (N.D. Ga.). • GAO v. Reese: In a case filed in 2015, GAO was granted summary judgment and permanent injunction against Defendant Department of Community Health for failure to provide mental health records pursuant to GAO access authority. GAO's standing was not challenged. Case No. 1:15-cv-03372 (N.D. Ga.). GAO's Voting Work 9. GAO is the designated agency in Georgia to receive an annual grant, called Protection and Advocacy for Voting Access ("PAVA") pursuant to the Help America Vote Act ("HAVA"), requiring GAO to promote access and engagement in the electoral process for voters with disabilities. Based on our work under this grant, we know that our constituents have an interest in voting as a way to elevate their political interests and take a role in their communities. They are uniquely impacted by many laws that affect their ability to live independently and access education, among other rights, and they understand that their vote matters to their priorities. Our constituents frequently express an interest in voting and concerns about barriers in the voting process. GAO's current workplan goals for the PAVA program are: a. To ensure full participation in the electoral process for individuals with disabilities. b. To train and educate election officials, poll workers,, and service providers regarding the rights of voters with disabilities and best practices in supporting individuals with disabilities. c. To provide education, training, and assistance to individuals with disabilities, promoting participation in the electoral and complaint processes, self-advocacy, and self-determination. 10. GAO's constituents for our voting program include all voters with disabilities throughout Georgia, including people who are in institutions, such as nursing facilities, psychiatric hospitals, group homes, and other congregate settings. 11. GAO participates in this action on behalf of its constituents who are qualified voters with disabilities throughout the state, pursuant to the Americans with Disabilities Act. 4 4 12. Ensuring and promoting access to voting by people with disabilities is germane to GAO's purpose and is directly in keeping with GAO's overarching purpose: the protection of, and advocacy for, the rights of Georgians with disabilities. 13. GAO's funding for its voting work comes, in large part, from the federal PAVA grant. Under this formula grant, GAO receives a set amount of funding each year to conduct voting advocacy. This grant is relatively small but enables us to employ a PAVA Coordinator who also has other, nonvoting, responsibilities, and enables us to allocate PAVA funds to our

advocates who work on voting, as well as other issues. We do not have any other work on PAVA or other voting work. We do not generate income under this grant. Time spent by our staff on one voting issue, such as assisting people to navigate the changes in voting due to Senate Bill 202 directly diminishes the time that can be spent on other work. 14. Prior to the passage of Senate Bill 202, GAO's PAVA work was specifically geared towards protecting the disability vote using a combination of supporting self-advocacy, citizen involvement, staff advocacy, and legal advocacy to protect and advocate for the rights of Georgians with disabilities. Among other efforts during the absentee voting period, early voting and on Election Day, GAO has: a. Educated voters with disabilities about their rights in the voting process through webinars and in-person events, often in collaboration with other non-partisan disability rights and voting organizations; b. Responded to violations of voting rights of Georgians with disabilities and educated voters with disabilities, including those who are in congregate care facilities; c. Conducted voter outreach to individuals in nursing facilities and psychiatric hospitals, which includes talking to residents about their rights in the voting process and providing absentee ballot applications to residents who find it challenging or impossible to vote at the polls; d. Created and shared educational videos and written guidance, answered voter questions, and provided information about voting processes and voting rights to all individuals with disabilities, including people in nursing homes or psychiatric facilities; 5 4 e. Contributed funds to Get Out the Vote programs operated by Plaintiff The Arc; f. Run a nonpartisan election protection hotline to support individuals with disabilities who experience problems while voting and, when necessary, escalated complaints to the Secretary of State or testified before the state legislature about the problems reported by voters with disabilities; and g. Collaborated with the Secretary of State's office on voter education including hosting a "We Vote Education" day in our office in which we invited voters with disabilities to try out new voting machines provided by the Georgia Secretary of State's office. I, Devon Orland, am over the age of 21 and fully competent to make this declaration. Under penalty of perjury, I declare the following based upon my personal knowledge:

Background on Georgia Advocacy Office (GAO)

I have been the Litigation Director at Georgia Advocacy Office (GAO) since 2012. I am the Georgia Secretary of State's official impact of Senate Bill 202 on GAO's Constituents and Work 15. GAO was aware of, and monitored, the legislative process that led to the passage of Senate Bill 202. We were concerned about the provisions affecting voters with disabilities and those who assist them, as well as the way it was rushed through the legislative process. We met with other advocacy organizations regarding provisions of Senate Bill 202 and other voting bills in the same legislative session and joined with other organizations to submit comments about various proposals. 16. Senate Bill 202, and specifically the assistance and drop box provisions, have had a significant impact on the ability of Georgians with disabilities to exercise their right to vote. Specifically, they might need to rely on people other than family members to assist them with absentee ballots. We have received reports of people who could not get rides to the polls and people whose staffs are unable to help them vote. These barriers compound upon other new issues Senate Bill 202 created; for instance, the requirement that individuals provide an ID number to apply for an absentee ballot, or alternatively a photocopy of other documentation. This negatively impacts many people who face poverty and mobility limitations, and especially people in institutions, including group homes, nursing facilities, psychiatric hospitals, or other congregate settings. 17. In one case, a disabled individual who had previously been able to drive to a drop box and submit his absentee ballot without leaving his car was surprised in November 2022 to find that the drop box was no longer 6 4 accessible to him. He can ambulate about 10 yards, using either a manual wheelchair or a walker, but he could not see where the drop box was located and believed that the distance to enter the building and locate the drop box would be too great for him given his mobility limitations. He asked a poll worker for assistance.

designation is currently pursuant to the Protection and Advocacy for Individuals with Mental Illness Act ("PAIMI"), 42 U.S.C. § 10801 et seq., the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. § 15041 et seq., and the Protection and Advocacy for Individual Rights Program of the Rehabilitation Act, 29 U.S.C. § 794e.

5. As the designated P&A, GAO is authorized to pursue administrative, legal, and other appropriate remedies to protect and advocate for the legal rights of individuals with disabilities and to redress incidents of discrimination in the state. Central to our mission is empowering Georgians with disabilities to participate fully and independently as active and engaged citizens. GAO has the authority to prosecute actions in its own name and on behalf of its constituents. 42 U.S.C. § 15043(a)(2)(A)(i).
6. GAO's constituents are residents of Georgia with disabilities, as that population is defined by federal and/or state law.

¹ Legally my full name is Devon Orland Christopher, but professionally I use Devon Orland.

7. GAO represents the interests of, and is accountable to, members of the Georgia disability community, and its funding is dependent on compliance with a governance structure that ensures oversight and control by the disability community.
 - a. GAO has a multi-member governing board, which is responsible for the planning, design, implementation, and functioning of the protection and advocacy system. This Board of Directors annually establishes GAO's advocacy priorities. Over 80 percent of GAO's Board of Directors are individuals with disabilities and family members of individuals with disabilities.
 - b. GAO has a statutorily mandated PAIMI Advisory Council, whose responsibility is to provide GAO with independent advice and recommendations about people with psychiatric disabilities. One hundred percent of GAO's PAIMI Advisory Council members are people with psychiatric disabilities.
 - c. GAO regularly seeks public input on the direction of its work. This information is obtained through its Board of Directors, public meetings, and the PAIMI Advisory Council, public forums, presentations, and advocacy.
 - d. Members of the disability community have the right to file grievances if they disagree with actions taken by GAO or believe they were wrongly denied services by GAO.
8. GAO has been an organizational plaintiff in a number of cases. For example:
 - *GAO v. Jackson*: In 2019, a federal district court found that GAO has associational standing on behalf of women with mental illness in a case involving jail conditions at the South Fulton Jail (*Georgia Advoc. Off. v. Jackson*, No. 1:19-CV-1634-WMR-JFK, 2019 WL 12498011, at *2 n.1 (N.D. Ga. Sept. 23, 2019), *modified on other grounds*, No. 1:19-CV-1634-WMR-RDC, 2020 WL 1883877 (N.D. Ga. Feb. 26, 2020), and *order vacated, appeal dismissed on other grounds*, 4 F.4th 1200 (11th Cir. 2021), *vacated on other grounds*, 33 F.4th 1325 (11th Cir. 2022)).
 - *GAO v. State of Georgia*: GAO's assertion of associational standing has not been challenged in a lawsuit filed in 2017 involving students with disabilities being placed in segregated educational settings. The court denied Defendants' motion to dismiss and subsequent motion for

judgment on the pleadings on other grounds and the case is ongoing. Case No. 1:17-CV-3999-MLB (N.D. Ga.).

- *GAO v. Reese*: In a case filed in 2015, GAO was granted summary judgment and permanent injunction against Defendant Department of Community Health for failure to provide mental health records pursuant to GAO access authority. GAO's standing was not challenged. Case No. 1:15-cv-03372 (N.D. Ga.).

GAO's Voting Work

9. GAO is the designated agency in Georgia to receive an annual grant, called Protection and Advocacy for Voting Access ("PAVA") pursuant to the Help America Vote Act ("HAVA"), requiring GAO to promote access and engagement in the electoral process for voters with disabilities. Based on our work under this grant, we know that our constituents have an interest in voting as a way to elevate their political interests and take a role in their communities. They are uniquely impacted by many laws that affect their ability to live independently and access education, among other rights, and they understand that their vote matters to their priorities. Our constituents frequently express an interest in voting and concerns about barriers in the voting process. GAO's current workplan goals for the PAVA program are:
 - a. To ensure full participation in the electoral process for individuals with disabilities.
 - b. To train and educate election officials, poll workers, , and service providers regarding the rights of voters with disabilities and best practices in supporting individuals with disabilities.
 - c. To provide education, training, and assistance to individuals with disabilities, promoting participation in the electoral and complaint processes, self-advocacy, and self-determination.
10. GAO's constituents for our voting program include all voters with disabilities throughout Georgia, including people who are in institutions, such as nursing facilities, psychiatric hospitals, group homes, and other congregate settings.
11. GAO participates in this action on behalf of its constituents who are qualified voters with disabilities throughout the state, pursuant to the Americans with Disabilities Act.

12. Ensuring and promoting access to voting by people with disabilities is germane to GAO's purpose and is directly in keeping with GAO's overarching purpose: the protection of, and advocacy for, the rights of Georgians with disabilities.
13. GAO's funding for its voting work comes, in large part, from the federal PAVA grant. Under this formula grant, GAO receives a set amount of funding each year to conduct voting advocacy. This grant is relatively small but enables us to employ a PAVA Coordinator who also has other, nonvoting, responsibilities, and enables us to allocate PAVA funds to our advocates who work on voting, as well as other issues. We do not have anyone working full-time on PAVA or other voting work. We do not generate income under this grant. Time spent by our staff on one voting issue, such as assisting people to navigate the changes in voting due to Senate Bill 202 directly diminishes the time that can be spent on other work.
14. Prior to the passage of Senate Bill 202, GAO's PAVA work was specifically geared towards protecting the disability vote using a combination of supporting self-advocacy, citizen involvement, staff advocacy, and legal advocacy to protect and advocate for the rights of Georgians with disabilities. Among other efforts during the absentee voting period, early voting and on Election Day, GAO has:
 - a. Educated voters with disabilities about their rights in the voting process through webinars and in-person events, often in collaboration with other non-partisan disability rights and voting organizations;
 - b. Responded to violations of voting rights of Georgians with disabilities and educated voters with disabilities, including those who are in congregate care facilities;
 - c. Conducted voter outreach to individuals in nursing facilities and psychiatric hospitals, which includes talking to residents about their rights in the voting process and providing absentee ballot applications to residents who find it challenging or impossible to vote at the polls;
 - d. Created and shared educational videos and written guidance, answered voter questions, and provided information about voting processes and voting rights to all individuals with disabilities, including people in nursing homes or psychiatric facilities;

- e. Contributed funds to Get Out the Vote programs operated by Plaintiff The Arc;
- f. Run a nonpartisan election protection hotline to support voters with disabilities who experience problems while voting and, when necessary, escalated complaints to the Secretary of State or testified before the state legislature about the problems reported by voters with disabilities; and
- g. Collaborated with the Secretary of State's office on voter education, including hosting a "We Vote Education" day in our office in which we invited voters with disabilities to try out new voting machines provided by the Georgia Secretary of State's office.

Impact of Senate Bill 202 on GAO's Constituents and Work

15. GAO was aware of, and monitored, the legislative process that led to the passage of Senate Bill 202. We were concerned about its provisions affecting voters with disabilities and those who assist them, as well as the way it was rushed through the legislative process. We met with other advocacy organizations regarding concerning provisions of Senate Bill 202 and other voting bills in the same legislative session and joined with other organizations to submit comments about various proposals.
16. Senate Bill 202, and specifically the assistance and drop box provisions, have had a significant impact on the ability of Georgians with disabilities to exercise their right to vote. Specifically, they might need to rely on people other than family members to assist them with absentee ballots. We have received reports of people who could not get rides to the polls and people whose staff at their nursing facility refused to help them vote. Those barriers compound upon other new issues Senate Bill 202 created; for instance, the requirement that individuals provide an ID number to apply for an absentee ballot, or alternatively a photocopy of other documentation. This negatively impacts many people who face poverty and mobility limitations, and especially people in institutions, including group homes, nursing facilities, psychiatric hospitals, or other congregate settings.
17. In one case, a disabled individual who had previously been able to drive to a drop box and submit his absentee ballot without leaving his car was surprised in November 2022 to find that the drop box was no longer

accessible to him. He can ambulate about 10 yards, using either a manual wheelchair or a walker, but he could not see where the drop box was located, and believed that the distance to enter the building and locate the drop box would be too great for him given his mobility limitations. He asked a poll worker for assistance and was told that poll workers had been instructed not to touch anyone's ballot, so the poll worker refused to help him. He was frustrated that he was put in that situation because of the lack of disability access to the drop box. This individual is a proud voter and prefers to vote independently. He cannot rely on family, so with the limitations on assistance and the inaccessible drop boxes, he will be forced to go to great lengths to vote in person or return his absentee ballot, and possibly be disenfranchised if he is not able to overcome all of these barriers, due to his disabilities.

18. Since the passage of Senate Bill 202, our voter outreach and education work has changed significantly. Historically, this work involved educating Georgians with disabilities about their right to vote, especially people in institutions, and providing generic information about accessibility requirements. This involved conducting trainings and meeting with people to talk about the importance of voting and informing them about their right to vote even though they have a disability or live in a facility or group home. Now, the work has shifted more to educating Georgians with disabilities about how to vote, understanding the new limitations, and navigating the changed requirements in the voting process. Some of the particular impacts on people with disabilities that we try to address include navigating the absentee ballot process and difficulties getting needed assistance, and barriers in obtaining and providing copies of acceptable ID.

19. Since Senate Bill 202 was passed, GAO has:

- a. Modified and expanded our voter education program, including updating a detailed PowerPoint presentation entitled *Reminding You to Vote*. A true and correct copy of this presentation is attached hereto as Exhibit A;
- b. Spent additional time during visits to nursing homes, psychiatric facilities, and day programs to educate voters about the burdens imposed by Senate Bill 202 and assisted them in formulating and executing a plan to vote, which has reduced the amount of time our

staff can spend advising people about their other rights and monitoring conditions in those settings;

- c. Responded to reports of problems that voters with disabilities face so we can troubleshoot for the future;
- d. Hosted webinars and educational events specifically to help explain the changes to the voting process for Georgians with disabilities due to Senate Bill 202, including new ID requirements and limitations and penalties for violations of voter assistance provisions;
- e. Called nursing facilities and attempted to speak to staff about voting access and practices for assisting residents, in light of the changes in Senate Bill 202;
- f. Paid almost \$20,000 to rewrite and reshoot a pre-planned educational video and modify and expand a voting forum due to Senate Bill 202's significant changes to Georgia's voting processes for people with disabilities; and
- g. Discontinued some voter support efforts including providing absentee ballot applications to voters with disabilities, including nursing facility residents, for fear of being charged with criminal penalties.

20. In 2021, the United States Senate Committee on Rules and Administration with oversight over federal elections and campaign finance law held its first field hearing in over twenty years. The hearing was held in Atlanta, to hear testimony from witnesses about Senate Bill 202 and the need for basic federal standards to protect the freedom to vote. GAO submitted comments to the Committee, outlining several issues affecting voters with disabilities, including: new strict identification requirements for absentee ballots; reduction in time to request absentee ballots; and lack of access to drop boxes to cast their absentee ballots due to new restrictions.

Felony Prosecution for Ballot Return Assistance

21. With respect to the new criminal penalties for ballot return assistance contained in Senate Bill 202, the confusion and potential risks to even authorized assistors have made our work of educating voters with disabilities about their rights, and helping them get the assistance they need to vote, significantly more difficult. Specifically, Georgia Code section 21-2-568, as modified by Senate Bill 202, now provides that anyone other than a voter's

family or household member, or the “caregiver” of a voter with a disability, who knowingly “[a]ccepts an absentee ballot from an elector for delivery or return to the board of registrars ... shall be guilty of a felony.” GA Code § 21-2-568(a)(5). The term “caregiver” is not defined in the law, nor has the Secretary of State’s office provided any definition.

22. Prior to the enactment of Senate Bill 202, the same limited categories of people were authorized in state law to return the ballots of disabled voters (GA Code § 21-2-385(a)); however, our understanding of the law pre-Senate Bill 202 is that these limitations did not apply. Specifically, our understanding of Section 208 of the federal Voting Rights Act (52 U.S.C. § 10508) is that it permits voters with disabilities to use the assistor of their choice in all aspects of the voting process, including ballot return, except for their employer or union representative.
23. Two Georgia Attorney General opinions affirm that the Voting Rights Act “takes precedence” over state law restrictions on assistance for voters with disabilities, enabling us to provide information, education, and advice to voters with disabilities and those who assist them without fear that even well-intentioned assistors might face prosecution. A true and correct copy of 2016 Ga. Op. Att’y Gen. 02 (2016) is attached hereto as Exhibit B. A true and correct copy of 1984 Ga. Op. Att’y. Gen. 34 (1984) is attached hereto as Exhibit C. Our understanding of the right to voter assistance and the applicability of Section 208 with respect to state law restrictions is consistent with these opinions.
24. Since Senate Bill 202 was passed, the new felony punishment for voter assistance that is not authorized by section 21-2-385(a) will chill voters with disabilities from asking for assistance even from authorized assistors, even though Section 208 of the Voting Rights Act should still apply. It will also deter individuals otherwise willing and eligible to assist from helping people with disabilities to vote. This means that commonly chosen assistors, such as nursing facility staff, neighbors, and trusted friends, will not be asked or agree to help people with disabilities to vote. We cannot confidently assure them that they can help without fear of felony prosecution for several reasons:
 - a. First, GA Code § 21-2-568(a)(5), added in Senate Bill 202, contains no exception to felony punishment for ballot return assistance that is

permitted by federal law. The risk of potential prosecution, even if someone is ultimately exonerated, is too great. (In contrast, the pre-existing misdemeanor penalty for violation of the election code generally contains an exception, which gave us assurance that chosen assistants who were qualified pursuant to the Voting Rights Act section 208 would not be subject to prosecution. *See* Ga Code § 21-2-598 (“Except as otherwise provided by law, any person who violates any provision of this chapter shall be guilty of a misdemeanor.”))

- b. Second, Senate Bill 202 added a requirement that uniform instructions “shall include a list of authorized persons who may deliver or return the voted ballot to the board of registrars on behalf of the elector as provided in subsection (a) of Code Section 21-2-385.” GA Code § 21-2-384(b). Instructions put out by the Secretary of State on March 30, 2022 list the limited categories of authorized assistants for ballot return, without any exception, on page 6. The instructions do not define the term “caregiver.” I accessed these instructions on May 3, 2023 at: https://sos.ga.gov/sites/default/files/forms/Absentee_Voting_In_Georgia_Rev_3-30-22.pdf. A true and correct copy of these instructions is attached hereto as Exhibit D.
 - c. Third, Senate Bill 202 added a provision to the oath that voters must sign saying that they “will not give or transfer this ballot to any person not authorized by law to deliver or return absentee ballots.” GA Code § 21-2-384(c)(1). Without clear instructions about who is authorized to deliver or return their ballots, it adds a layer of complexity and risk that will deter people from asking for needed help to vote, or from voting at all.
25. Since Senate Bill 202 was enacted, our work has become significantly more difficult, because of the lack of information about when the state limitations on ballot return assistance do and do not apply, the failure to include exceptions in the law and in information disseminated to the public, no clear or official definition of “caregiver,” and the threat of felony punishment for violations of these requirements. The combined effect of the vague, misleading, and punitive ballot return assistance provisions of Senate Bill 202 have affected our work in ways that include:

- a. We have fielded queries and complaints from individuals who couldn't get the people of their choosing to help them vote, and have assisted them to understand and comply with the new rules;
- b. We have addressed complaints that poll workers are not well-trained and are not able or willing to assist voters with disabilities because the workers mistakenly felt it to be a violation of the law, and we have provided education to help voters and poll workers understand the rules and their rights;
- c. We have educated individual residents in nursing facilities about assistance requirements as well as steps in the absentee voting process, and helped them formulate and execute plans to vote, which means spending less time advising them about their other rights;
- d. We have discontinued informing nursing facility staff about their obligations to assist, or help find a caregiver to assist, residents in the absentee voting process because of the lack of clarity about the new rules and the potential risks; and
- e. We no longer take absentee ballot applications to residents of congregate living environments as a result of the inability to facilitate returning or mailing them.

Drop Box Restrictions

26. With respect to Senate Bill 202's new restrictions on outdoor drop boxes, GAO is aware that many registrar's offices where drop boxes may be located are physically inaccessible, and accessible routes may be poorly marked or otherwise difficult to locate. In addition, the limitations on hours of availability of drop boxes have adversely affected voters with disabilities because of their limited access to public transportation and/or inability to get a ride during business hours.

Diversion of Resources Due to Senate Bill 202

27. The time and resources GAO has expended ensuring that voters are not denied their access to the franchise because of Senate Bill 202 has directly reduced our other advocacy and will continue to do so unless there is a change in the law. These burdens have forced, and will continue to force GAO to divert resources, including employee time, effort, and attention,

from our other core activities including investigating and addressing allegations of abuse and neglect, advocating for appropriate assistive technology, and providing information and resources related to employment, inclusive education and other civil rights for Georgians with disabilities. As a result, due to Senate Bill 202, GAO is and will continue to be limited in the resources it can devote to its other core organizational goals.

I declare under penalty of perjury that the statements above are true.

This the 3rd day of May, 2023.



Devon Orland

EXHIBIT 5B

8 EXHIBIT 5B 8 EXHIBIT A 8 Georgia's Voter Identification Card Georgia Voter ID Card GAO SAMPLE JO SAMPLE 123 ANYWHERE STREET MY CITY, GA 12345 CARD ISSUED 16/09/200 HOT B GT: 150 DOB: 01/01/1950 Georgia offers a FREE Voter Identification Card that can be issued at any local county election office. GEORGIA ADVOCACY OFFICE The Protection and Advocacy System for People with Disabilities in Georgia COUNTY005 Eyes BROWN SEX FEMALE To receive a voter ID card, the voter must provide: • A photo identity document or approved non-photo identity document that includes full legal name and date of birth • Documentation showing the voter's date of birth • Evidence that the applicant is a registered voter • Documentation showing the applicant's name and residential address 9 GAO-000687 8 SAMPLE JO SAMPLE 123 ANYWHERE STREET MY CITY, GA 12345 CARD ISSUED 05/28/2008 HGT: 5 WGT: 150 DOB: 01/01/1950 Georgia Voter ID Card GAO GEORGIA ADVOCACY OFFICE The Protection and Advocacy System for People with Disabilities in Georgia COUNTY #: 029 Eyes: BROWN SEX FEMALE 10 GAO-000688 8 Who Can Vote? • Unless you are currently serving a sentence for a felony conviction, you can vote in Georgia. • Can people with a guardianship vote? Yes, unless your guardianship papers specifically state that you cannot vote. If the guardianship papers do not contain those words, then you can vote. GAO GEORGIA ADVOCACY OFFICE the Pretion and Advarday Syst Jer Pople with this in Gorgus 11 GAO-000689 8 What if You Need Help with Voting? GAO GEORGIA ADVOCACY OFFICE The Protection and Advocacy System for People with Disabilities in Georgia • Ask a poll worker at your voting place • Ask any other person of your choosing, except your employer or a worker's union 12 GAO-000690 8 What if You Can't Get to the Polls? • • You do not have to go to a polling place to vote! Any voter can request a mail-in/absentee ballot • No excuse is needed in Georgia for a mail-in/absentee ballot • You can request a mail-in ballot online or at your county Board of Registrars Office GAO GEORGIA ADVOCACY OFFICE The Praction and Advocacy System for People with Disabilities in Georgia OFFICIAL ABSENTEE/PROVISIONAL/CHALLENGED BALLOT OFFICIAL GENERAL MUNICIPAL ELECTION BALLOT OF THE STATE OF GEORGIA NOVEMBER 5, 2013 Tovucen the Over to the can of your orbe Tovare ora personne namenot one baanly WRITE or her in the win section and socken the Oto the wen section you desire to you YES OF NAPROPOSED QUESTION, como Ova Use ony e or tack pen or penc. Do not vote for more candidates than the moves to saccoce De macros dudor en you we or make other marks on the boot or ear the ballot, your vote may not so you cge your or make may he or by wings actes the ce are art and rem ape You may then all the set to you of stors, and you will be another official storey at Amativery, you may sunder the home manager of any voting sewn your county or the precind to which you are assigned you wit then be per Prof unty MATEM CITY OF ATLANTA For Mayor (Vote for One) OAL BARTELL OFRASER DUKE KASIM REED franking OGLENYS WRIGHTSON O Writin For City Council President (Vote for One) RACHELE FRUIT FULTON COUNTY CEASAR MITCHELL mante Whiten For City Council Member Post 1 At Large (Vote No One) MICHAEL JULIAN BOND For City Council Member Post 2 At Large (Vote for One) MARY NORWOOD OMARON WATSON For City Council Member Post 3 At Large (Vote for One) O ANORE DICKENS OH LAMAR WILLIS pambel) Whilen For City Council Member District 1 Vote for One TRONTA PROOF ONLY 1904131224. BILL POWELL CARLA SMITH be 0 ROBERT WELSH Wilein For City Council Member District 2 (Vote for One OKWANZA HALL Munted Waitin TURN BALLOT OVER TO CONTINUE VOTING. 13 GAO-000691 8 New Georgia Voting Laws with Absentee Ballots • Georgia cuts off citizens' ability to apply for an absentee, mail-in ballot 11-days before the final election day without any provisions for emergencies. The deadline for the General Election is October 28, 2022 The drop boxes are NOT available 24/7, they are only available during business days and hours: Monday-Friday; 9 AM to 5 PM GAO GEORGIA ADVOCACY OFFICE The Potection and detay St 14 GAO-000692 8 Have you had a problem voting? We want to hear about any problems you have had voting. GAO GEORGIA ADVOCACY OFFICE The Prection and Advocacy System fon Pople with Disabilities in Georgia 15 GAO-000693 8 Examples of Voter Discrimination Against People with Disabilities eorgia Voter Georgio Voter • • Polling staff questioning if you are able to vote because of your disability • Polling staff refusing to assist you or refusing to allow someone of your choice to assist you • Polling staff refusing to supply a reasonable accommodation such as ballots in Braille or headphones to listen to the computerized ballots • No signs marking the location of the accessible entrance mia Georgio Voter • Inaccessible parking or inaccessible polling location GAO GEORGIA ADVOCACY OFFICE The Protection and Advocy System for ople with Disabilitin in Gra Ge 16 GAO-000694 8 Minimizing Problems Prior to Election Day, talk to your local election officials about: • Polling place accessibility Specific accommodations you need on Election Day On Election Day: Vote early in the day • Take your photo identification with you Ask for help if you need it • Read the voting instructions carefully Take your time; there is no time limit in the voting booth • • GAO GEORGIA ADVOCACY OFFICE The Protection and Advocacy System for ople with Disabilities in Georgis 17 GAO-000695 8 Whom Should I Vote For? First, think about what issues are important to you. Then, research the issues by: • Getting a copy of the ballot from your local election board Contacting the Secretary of State's office • Watching TV news channels • Going to the library • Reading the newspaper • Checking websites like www.nod.org or • • www.votesmart.org • Calling the Voter's Research Hotline at 1-888-VOTE- SMART (1-888-868-3762) GAO GEORGIA ADVOCACY OFFICE The Fenecting and Advorary System for People with Driabilities in G 18 GAO-000696 8 Encountering Problems on Election Day If you are a Georgia citizen with a disability and you encounter problems with voting, please call: • The Georgia Advocacy Office (GAO) Voter Hotline The hotline is available from the time polls open (7:00 AM) until the time polls close (7:00 PM) Call (404) 885-1234 or (800) 537-2329 The Elections Division of the Secretary of State's Office Call (404) 656-2871 GAO GEORGIA ADVOCACY OFFICE The Diction and Adary System for ople with D 19 GAO-000697 8 2022 Important Election Dates Voter Registration General Election Voter Registration Deadline... October 10, 2022 General Election Advanced (In-Person) Voting Begins..... Last Day to Submit Absentee Ballot Application..... Recommended Absentee Ballot Return Deadline..... General Election Date..... GAO GEORGIA ADVOCACY OFFICE The Pond Advocacy Systém for Heaple with mildin Gorgia October 17, 2022 .October 28, 2022 .November 1, 2022 ..November 8, 2022 20 GAO-000698 8 "Vote as if your life depended on it, because it does." Justin Dart Godfather of the ADA GAO GEORGIA ADVOCACY OFFICE The Protection and Advocacy System for People with Disabilities in Georgia The people you vote for decide what programs and services get funded. Your life

really does depend on it. Vote. It is important. 21 GAO-000699 8 OFF PAPER? YOU CAN VOTE. GEORGIA
Unless you are currently serving a sentence for a felony conviction, you can vote in Georgia. Register. IT'S
YOUR RIGHT. Your VOTE is your VOICE. GJP.org/voting 22 GAO-000700 8 Voting with a Criminal Record • Off
paper means that you have completed • incarceration, parole, and probation. • A Certification of Completion
demonstrates that a person with a felony conviction is not longer under correctional control and has completed
their sentence The Certificate is issued by the Department of Community Supervision You can obtain the
certificate by contacting your original DCS probation office, or request from your local probation office. 23 GAO-
000701 8 DEPARTMENT OF COMMUNITY SUPERVISION CERTIFICATE OF SENTENCE COMPLETION
Awarded to Firstname Middle Lastname For completing supervision requirements with the Georgia Department
of Community Supervision John Jane Doe, Coordinating Chief COMMUNITY RTME OF DEPA TE O EN 2013 NT
OF SUPERVISION Phone No Date 24 GAO-000702 8 Can I vote if I am on Probation? • If you are on probation
for a misdemeanor, you can vote. • • If you are serving a felony First Offender or Conditional Discharge
sentence, and the status hasn't been revoked, you can vote while still serving the sentence. But if you were
convicted of a felony or had your felony First Offender or Conditional Discharge revoked and are still on
probation, you are not eligible to vote until you complete your sentence, including any time on non-report status.
If you have served more than three years on probation, you may qualify for early termination. 25 GAO-000703 8
What if I still owe fines and fees? • The Georgia Secretary of State website states, "[y]our felony sentence is
considered completed even if you have outstanding monetary obligations other than fines, such as unpaid
restitution, fees, costs, or surcharges," and fines that were imposed as a condition of probation "are automatically
cancelled upon completion of probation." • • If you are not sure if you have outstanding fines or if your sentence
is complete, contact DCS for a Certificate of Sentence Completion. GAO GEORGIA ADVOCACY OFFICE The
Protection and Advocacy System for People with Disabilities in Georgia 26 GAO-000704 8 Can I vote if I pled
Nolo contendere to a felony offense? • Yes • If you pled "Nolo," you can vote, even while serving your sentence.
• Nolo pleas are rare for felonies. 27 GAO-000705 8 Do I need a pardon or other documentation to register to
vote? • • No. • • Your right to vote is automatically restored upon completion of your sentence-you do not need
your record expunged or pardoned. • You are not required to provide documentation about your criminal history
to register. 28 GAO-000706 8 Reminding You to Vote GAO ***** YOUR VOTE Presented by the Georgia
Advocacy Office (GAO) The Protection and Advocacy System for People with Disabilities in Georgia GEORGIA
ADVOCACY OFFICE The Protection and Advocacy System for People with Disabilities in Georgia COUNTS
☆☆☆☆☆ EXHIBIT K F GAO 9 2/27/23 GAO-000679 8 Georgia Advocacy Office (GAO) GAO envisions a
Georgia where all people have value, visibility and voice; where even the most difficult and long-lasting
challenges are addressed by ordinary citizens acting voluntarily on behalf of each other; and where the
perception of disability is replaced by the recognition of ability. GAO VISION GEORGIA ADVOCACY OFFICE
The Protection and Advocacy System for People with Disabilities in Georgia 2 GAO-000680 8 I'm off paper, but
they still tell me I can't register. What can I do? • • Unfortunately, some people are incorrectly told this. • • To
resolve this, present to the Voter Registration Office one of the following: a Certificate of Sentence Completion
from DCS, a termination letter from DCS, a court order terminating your probation, a signed letter from your
probation officer, or an email sent directly to the Voter Registrar from DCS or probation officer. GAO GEORGIA
ADVOCACY OFFICE The Protection and Advocacy System for People with Disabilities in Georgia 26 GAO-
000707 8 Can I vote if I'm in jail? • • If you are in jail because of a pending case or are serving a sentence for a
misdemeanor conviction, you can vote. • But if you have been convicted of a felony and are awaiting transfer to a
state prison, you cannot vote until your sentence is complete. • In order to register and vote absentee, you will
need an acceptable form of

Georgia Advocacy Office (GAO)

VISION

GAO envisions a Georgia where all people have value, visibility and voice; where even the most difficult and long-lasting challenges are addressed by ordinary citizens acting voluntarily on behalf of each other; and where the perception of disability is replaced by the recognition of ability.

My Vote Counts

And So Does My Voice

**Do people with
disabilities make a
difference when
they vote?**

YES!



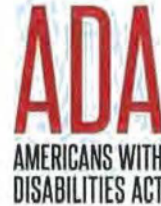
Help America Vote Act (HAVA)

The Help America Vote Act (HAVA) authorizes state Protection and Advocacy agencies to investigate voter discrimination against people with disabilities. The Protection and Advocacy organization (P&A) for Georgia is the Georgia Advocacy Office.

Thanks to Civil Rights Legislation Like the Americans with Disabilities Act (ADA) and the Help America Vote Act (HAVA)

Aids and services may include:

- Ballots in alternative formats
 - Audio recordings
 - Braille
- The assistance of another individual of the voter's choosing (poll worker or otherwise)
- Accessible polling places



Voting is Your Civil Right

Who Can Register to Vote in Georgia?

- To register to vote in Georgia, you must be:
 - A citizen of the United States
 - A legal resident of Georgia and of the county where you wish to vote
 - At least 18 years of age by Election Day
 - You can register to vote six months before your 18th birthday

Registering to Vote in Georgia



There are several ways for Georgians to register:

- Download a registration form from the Secretary of State's Office here:
 - <https://www.mvp.sos.ga.gov/MVP/mvp.do>
- Contact your county election office, public library, public assistance office, school, or other government offices
- Register when you renew or apply for your driver's license or ID card at the Department of Driver Services
- **Once registered, keep your registration up to date with any name or address changes**

Georgia Voter Identification Requirements

What Types of IDs are Acceptable?

- Any valid state or federal government issued photo ID, even if expired
- A FREE Voter ID Card issued by your county election office
- A valid employee photo ID from any branch, department, agency, or entity of the U.S. Government, Georgia, or any county, municipality, board, authority, or other entity of Georgia
- A valid U.S. passport ID
- A valid U.S. military photo ID
- A valid tribal photo ID

Georgia's Voter Identification Card



Georgia offers a FREE Voter Identification Card that can be issued at any local county election office.

To receive a voter ID card, the voter must provide:

- A photo identity document or approved non-photo identity document that includes full legal name and date of birth
- Documentation showing the voter's date of birth
- Evidence that the applicant is a registered voter
- Documentation showing the applicant's name and residential address



Who Can Vote?

- Unless you are currently serving a sentence for a felony conviction, you can vote in Georgia.
- Can people with a guardianship vote? Yes, unless your guardianship papers specifically state that you cannot vote. If the guardianship papers do not contain those words, then you can vote.

What if You Need Help with Voting?



- Ask a poll worker at your voting place
- Ask any other person of your choosing, except your employer or a worker's union

New Georgia Voting Laws with Absentee Ballots

- Georgia cuts off citizens' ability to apply for an absentee, mail-in ballot 11-days before the final election day without any provisions for emergencies. The deadline for the General Election is **October 28, 2022**
- The drop boxes are NOT available 24/7, they are only available during business days and hours: Monday-Friday; 9 AM to 5 PM

Have you had a problem voting?

We want to hear about any problems you have had voting.

Examples of Voter Discrimination Against People with Disabilities



- Polling staff questioning if you are able to vote because of your disability
- Polling staff refusing to assist you or refusing to allow someone of your choice to assist you
- Polling staff refusing to supply a reasonable accommodation such as ballots in Braille or headphones to listen to the computerized ballots
- No signs marking the location of the accessible entrance
- Inaccessible parking or inaccessible polling location

Minimizing Problems

Prior to Election Day, talk to your local election officials about:

- Polling place accessibility
- Specific accommodations you need on Election Day

On Election Day:

- Vote early in the day
- **Take your photo identification with you**
- Ask for help if you need it
- Read the voting instructions carefully
- Take your time; there is no time limit in the voting booth



Whom Should I Vote For?

First, think about what issues are important to you. Then, research the issues by:

- Getting a copy of the ballot from your local election board
- Contacting the Secretary of State's office
- Watching TV news channels
- Going to the library
- Reading the newspaper
- Checking websites like www.nod.org or www.votesmart.org
- Calling the Voter's Research Hotline at 1-888-VOTE-SMART (1-888-868-3762)

Encountering Problems on Election Day

If you are a Georgia citizen with a disability and you encounter problems with voting, please call:

- **The Georgia Advocacy Office (GAO) Voter Hotline**

The hotline is available from the time polls open (7:00 AM) until the time polls close (7:00 PM)

Call (404) 885-1234 or (800) 537-2329

- **The Elections Division of the Secretary of State's Office**

Call (404) 656-2871

2022 Important Election Dates

Voter Registration

General Election Voter Registration Deadline...October 10, 2022

General Election

Advanced (In-Person) Voting Begins.....October 17, 2022

Last Day to Submit Absentee Ballot

Application.....October 28, 2022

Recommended Absentee Ballot Return

Deadline.....November 1, 2022

General Election Date.....November 8, 2022



“Vote as if your life depended on it, because it does.”

Justin Dart
Godfather of the ADA

The people you vote
for decide what
programs and
services get funded.

Your life really does
depend on it.

Vote.
It is important.

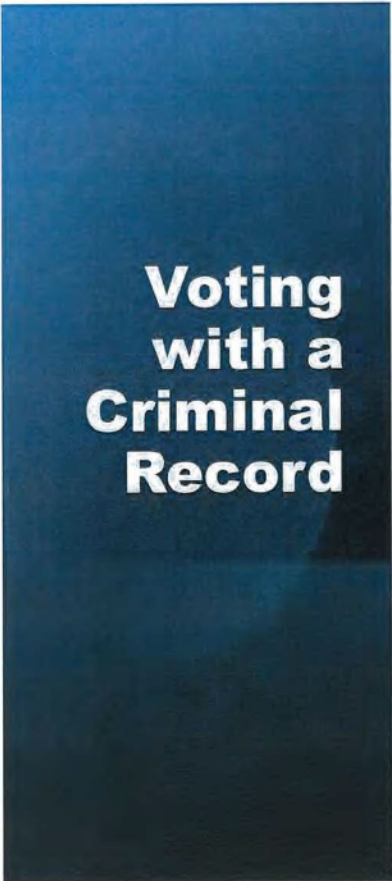
OFF PAPER? YOU CAN VOTE.



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Register. **IT'S YOUR RIGHT.**
Your **VOTE** is your **VOICE.**

GJP.org/voting



Voting with a Criminal Record

- **Off paper means that you have completed incarceration, parole, and probation.**
- **A Certification of Completion demonstrates that a person with a felony conviction is not longer under correctional control and has completed their sentence**
- **The Certificate is issued by the Department of Community Supervision**
- **You can obtain the certificate by contacting your original DCS probation office, or request from your local probation office.**



Can I vote if I am on Probation?

- **If you are on probation for a misdemeanor, you can vote.**
- **If you are serving a felony First Offender or Conditional Discharge sentence, and the status hasn't been revoked, you can vote while still serving the sentence.**
- **But if you were convicted of a felony or had your felony First Offender or Conditional Discharge revoked and are still on probation, you are not eligible to vote until you complete your sentence, including any time on non-report status.**
- **If you have served more than three years on probation, you may qualify for early termination.**

What if I still owe fines and fees?

- **The Georgia Secretary of State website states, “[y]our felony sentence is considered completed even if you have outstanding monetary obligations other than fines, such as unpaid restitution, fees, costs, or surcharges,” and fines that were imposed as a condition of probation “are automatically cancelled upon completion of probation.”**
- **If you are not sure if you have outstanding fines or if your sentence is complete, contact DCS for a Certificate of Sentence Completion.**

Can I vote if I pled Nolo contendere to a felony offense?

- **Yes**
- **If you pled “Nolo,” you can vote, even while serving your sentence.**
- **Nolo pleas are rare for felonies.**

Do I need a pardon or other documentation to register to vote?

- **No.**
- **Your right to vote is automatically restored upon completion of your sentence—you do not need your record expunged or pardoned.**
- **You are not required to provide documentation about your criminal history to register.**

I'm off paper, but they still tell me I can't register. What can I do?

- **Unfortunately, some people are incorrectly told this.**
- **To resolve this, present to the Voter Registration Office one of the following: a Certificate of Sentence Completion from DCS, a termination letter from DCS, a court order terminating your probation, a signed letter from your probation officer, or an email sent directly to the Voter Registrar from DCS or probation officer.**

Can I vote if I'm in jail?

- **If you are in jail because of a pending case or are serving a sentence for a misdemeanor conviction, you can vote.**
- **But if you have been convicted of a felony and are awaiting transfer to a state prison, you cannot vote until your sentence is complete.**
- **In order to register and vote absentee, you will need an acceptable form of ID, which may require help from someone else.**

30

**Can I
vote if I
am in
prison?**

**No, unless you
were sentenced
under First
Offender Act or
Conditional
Discharge and
the status hasn't
been revoked.**

**What if I
have a
felony
conviction
from
another
state?**

- **You can vote in Georgia if you are not currently serving a sentence for a felony conviction. The voting laws of the other state don't matter—Georgia law applies to Georgia residents.**



Voter Registration

There is a voter registration table at a conference that Maria is attending in March, six months before she turns 18. Can she register now and vote in the May primary election?

A. YES

B. NO

Answer:

A. YES

Maria can register to vote six months before she turns 18 (the voting age in the United States).

Mail-in Ballots

Joe wants to register to vote. A friend tells him that the registration cards are at his local library. Is his friend correct?

- A. NO
- B. YES

Answer:

B. YES

There are several ways to register to vote in Georgia:

- County Board of Registrars or election office
- Public library
- Public assistance office
- School or other government offices
- You can also vote online, or you can register at the same time you get your state ID or driver's license

Updating Your Registration

Jessica just got married and changed her last name.
Does she have to update her voter registration to
reflect her name change?

A. Yes

B. No

ANSWER:

A. YES

Be sure to update your voter registration if you have a name change or if you move. Your polling place may change based on your new address.

Ways to Vote

Eddie does not want to go to his local polling place to vote. Is there another way for Eddie to vote?

A. No

B. Yes

Answer:

B. YES

Eddie can request an absentee (mail-in) ballot. No excuse is needed. He can simply fill out a request for a mail-in ballot and then mail or drop off the application to his county registrars office on a business day during business hours.

Identification

Matt is voting in an election for the first time. He knows that he has to take identification with him. What types of identification are acceptable?

- A. A Georgia driver's license, even if expired
- B. Voter ID card issued by your county
- C. Valid U.S. passport
- D. U.S. military photo ID
- E. All of the above

Answer:

E. All of the above

Matt must have a photo ID to vote in person.

Accessibility

Britney uses a wheelchair. She is worried that she will not be able to get into her polling place to vote, and she wants to vote in person. Should she visit her polling place beforehand to make sure it's accessible?

A. Yes

B. No

Answer:

A. YES

Although all polling places are supposed to be accessible under federal law, it helps to make sure that those laws are being followed before election day. If you notice a violation, you can then call the Secretary of State's office to report it.

Assistance at the Polls

Richard has a personal care attendant. Does he have to take this person or someone else in the voting booth with him to help him vote?

A. Yes

B. No

Answer:

B. NO

Richard can take someone into the voting booth to assist him, but he does not have to if he does not want to. It is his choice.

Right to Vote

When Robin goes into her polling place, a poll worker tells her that she is not allowed to vote because she has a disability. What should she do in this situation?

- A. Go home
- B. Speak with an election official

Answer:

B. Speak with an election official

- Robin should assert her right to vote to the election official.
- If the election official still refuses, Robin can ask for a provisional ballot that will be reviewed by the Board of Elections in order to determine whether her vote should count.
- Robin should also call the Protection and Advocacy voter hotline at the Georgia Advocacy Office at (404) 885-1234 or (800) 537-2329.

Georgia Dropbox Locations by County

- **Appling County:** 83 South Oak Street, Baxley, GA 31513
- **Atkinson County:** 636 Austin Ave. #E, Pearson, GA 31602
- **Bacon County:** 232 W. 12th Street, Alma, GA 31510 (There is a separate box for applications on top of ballot dropbox.)
- **Baker County:** 167 Baker Place, Newton, GA 39870
- **Baldwin County:** 121 N. Wilkinson St., Suite 102, Milledgeville, GA 31061; 1601 N. Columbia, Suite 110, Milledgeville, GA 31061
- **Banks County:** 226 Candler St., Homer, GA 30547
- **Barrow County:** 233 E. Broad St., Winder, GA 30680 (Ballots and applications may also be dropped off at this location inside the office.)

Georgia Dropbox Locations by County

- **Bartow County:** 1300 Joe Frank Harris Pkwy., Cartersville, GA 30120; 135 W. Cherokee Ave., Cartersville, GA 30120; 6503 Glade Rd., Acworth, GA 30102; 30 Burges Mill Rd., Euaharlee, GA 30145; 163 Manning Mill Road, Adairsville, 30103
- **Ben Hill County:** Not Applicable
- **Berrien County:** 201 N. Davis St., Room 142, Nashville, GA 31639 (You will need to call ahead prior to dropping off ballot.)
- **Bibb County:** 2525 Pio Nono Avenue, Suite 1200, Macon, GA 31206 (Outside box is for ballots only; inside the office there is a separate box for applications and one for ballots.)
- **Bleckley County:** 112 N. Second St., Cochran, GA 31014 (Come around the side with the parking lot, ring buzzer, and someone from the Elections Office will come get the ballot.)

Georgia Dropbox Locations by County

- **Brantley County:** 10305 N. Main St., Suite 400, Nahunta, GA 31553
- **Brooks County:** 610 S. Highland Rd., Quitman, GA 31643
- **Bryan County:** 51 North Courthouse Street, Pembroke, GA 31321; 151 S. College St. Pembroke GA 31321
- **Bulloch County:** 113 North Main Street, Suite 201, Statesboro, Georgia 30458
- **Burke County:** 602 North Liberty Street, Room 104, Waynesboro, GA 30830
- **Butts County:** 625 West Third Street, Jackson, GA 30233
- **Calhoun County:** 31 Court Street, Suite A, Morgan, GA 39866
- **Camden County:** 200 E. 4th St., Woodbine, GA 31569; 311 S. East St., Kingsland, GA 31548

Georgia Dropbox Locations by County

- **Candler County:** 1075 E Hiawatha Street, Suite A, Metter, GA 30439
- **Carroll County:** 423 College Street, Room 302, Carrollton, GA 30117
- **Catoosa County:** 5238 Evitt Street, Ringgold, GA 30736
- **Charlton County:** 1520 Third St., Suite C, Folkston, GA 31537
- **Chatham County:** 1117 Eisenhower Drive, Ste. E, Savannah, GA 31406;
900 E. Bolton Street, Savannah, GA 31401;
4437 Skidaway Road, Savannah, GA 31404;
54 Johnny Mercer Blvd., Savannah, GA 31410;
1401 Mills B Lane Blvd., Savannah, GA 31405;
14097 Abercorn St., Savannah, GA 31419;
17 Minus Ave., Savannah, GA 31408;
301 W. Oglethorpe Ave., Savannah, GA 31401;
905 Collat Ave., Savannah, GA 31415

Georgia Dropbox Locations by County

- **Chattahoochee County:** 215 McNaughton St., Cusseta, GA 31805
- **Chattooga County:** 10035 Commerce Street, Summerville, GA 30747
- **Cherokee County:** 2780 Marietta Hwy., Canton, GA 30114; 7545 Main St., Building 200, Woodstock, GA 30188
- **Clarke County:** 155 East Washington Street, Athens, GA 30601; 2025 Baxter Street, Athens, GA 30603; 775 E. Broad St., Athens, GA 30605; 2350 Barnett Shoals Rd., Athens, GA 30605; 275 Cleveland Road, Bogart, GA 30622
- **Clay County:** 210 South Washington Street, Suite 4, Fort Gaines, GA 39851; 103 W. Commerce St., Fort Gaines, GA 39851
- **Clayton County:** 121 S. McDonough Street, Annex II, Jonesboro, GA 30236
- **Clinch County:** 25 Court Square, Suite A, Homerville, GA 31634

Georgia Dropbox Locations by County

- **Cobb County:** 4400 Lower Roswell Rd., Marietta, GA 30068;
4700 Austell Rd., Austell, GA 30106;
3535 Old 41 Hwy., NW, Kennesaw, GA 30144;
736 Whitlock Avenue, Marietta, GA 30064;
1750 Dennis Kemp Lane, NW, Kennesaw, GA 30152;
2380 N. Cobb Pkwy., Kennesaw, GA 30152;
2051 Lower Roswell Rd., Marietta, GA 30068;
1901 Cumberland Pkwy., SE, Atlanta, GA 30339;
1885 Roswell St., SE, Smyrna, GA 30080;
4640 Dallas Hwy., Marietta, GA 30064;
1060 Al Bishop Dr., SW, Marietta, GA 30008;
880 Shaw Park Road, Marietta, GA 30066;
3320 Sandy Plains Road, Marietta, GA 30066;
875 Riverside Pkwy., Austell, GA 30168;

(continued)

Georgia Dropbox Locations by County

- **Cobb County:** (continued)
805 Clay Street, Mableton, GA 30126;
4181 Atlanta Street, Powder Springs, GA 30127
- **Coffee County:** 224 West Ashley Street, Douglas, GA 31533
- **Colquitt County:** 101 E. Central Ave., Moultrie, GA 31768
- **Columbia County:** 500 Faircloth Drive, Building E, Evans, GA 30809
- **Cook County:** 1200 South Hutchinson Avenue, Adel, GA 31620
- **Coweta County:** 22 East Broad Street, Newnan, GA 30263
- **Crawford County:** 640 Hwy. 128, Roberta, GA 31078
- **Crisp County:** 210 S. 7th Street, Cordele, GA 31015
- **Dade County:** 71 Case Ave., Trenton, GA 30752

Georgia Dropbox Locations by County

- **Dawson County:** 96 Academy Avenue, Dawsonville, GA 30534
(Two locations: 1. On the right side of building; 2. The RED BOX in parking lot on the curb)
- **Decatur County:** 122 W. Water Street, Bainbridge, GA 39817
- **DeKalb County:** 4380 Memorial Drive, Decatur, GA 30032;
4362 Peachtree Road, NE, Brookhaven, GA 30319;
2771 Columbia Drive, Decatur, GA 30034;
3120 Stonecrest Blvd., Stonecrest, GA 30038;
875 Main Street, Stone Mountain, GA 30083;
4800 Ashford Dunwoody Road, Dunwoody, GA 30338;
3725 Park Ave., Atlanta, GA 30340;
1975 Lakeside Parkway, Suite 350, Tucker, GA 30084;
4331 River Road, Ellenwood, GA 30294;
1282 McConnell Drive, Decatur, GA 30033; (continued)

Georgia Dropbox Locations by County

- **DeKalb County:** (continued)
 - 5234 LaVista Rd., Tucker, GA 30084;
 - 951 N. Indian Creek Drive, Clarkston, GA 30021;
 - 2861 Wesley Chapel Rd., Decatur, GA 30034;
 - 509 N. McDonough St., Decatur, GA 30030;
 - 2538 Panola Rd., Stonecrest, GA 30058
- **Dodge County:** 5016 Courthouse Circle, Eastman, GA 31023
- **Dooly County:** 402 Hawkinsville Hwy., Vienna, GA 31092; 102 2nd Street, Vienna, GA 31092
- **Dougherty County:** 222 Pine Avenue, Albany, GA 31701
- **Douglas County:** 8700 Hospital Dr., Douglasville, GA 30314; 6754 Church St., Douglasville, GA 30134; 2105 Mack Rd., Douglasville, GA 30135; 5000 Hwy. 92, Douglasville, GA 30135; 6100 Hwy. 5, Douglasville, GA 30135

Georgia Dropbox Locations by County

- **Early County:** 17 McDonald Avenue, Blakely, GA 39823
- **Echols County:** 110 GA-94, Statenville, GA 31648
- **Effingham County:** 284 GA Highway 119 S., Springfield, GA 31329
- **Elbert County:** 45 Forest Avenue, Elberton, GA 30635
- **Emanuel County:** 105 South Main St. (next to tag office), Swainsboro, GA 30401
- **Evans County:** 201 Freeman Street, Suite 10, Claxton, GA 30417
- **Fannin County:** 400 West Main St., Blue Ridge, GA 30513
- **Fayette County:** 140 Stonewall Ave. W., Suite 208, Fayetteville, GA 30214
- **Floyd County:** 12 East 4th Avenue, Suite 20, Rome, GA 30161; 205 Riverside Parkway, NE, Rome, GA 30161

Georgia Dropbox Locations by County

- **Forsyth County:** 1201 Sawnee Drive, Cumming, GA 30040
- **Franklin County:** 7850 Royston Rd., Carnesville, GA 30521
- **Fulton County:** 2231 Campbellton Road, Atlanta, GA 30311;
3424 MLK Jr. Drive, Atlanta, GA 30331;
10 Park Plaza, Alpharetta, GA 30009;
101 Auburn Ave., NE, Atlanta, GA 30303;
269 Buckhead Avenue, NE, Atlanta, GA 30305;
47 Cleveland Avenue, SW, Atlanta, GA 30315;
3647 Main Street, College Park, GA 30337;
1838 Donald Lee Hollowell Parkway, Atlanta, GA 30318;
2757 Main Street, East Point, GA 30344;
2301 Holcomb Bridge Road, Roswell, GA 30076;
3665 Cascade Rd., SW, Atlanta, GA 30331;
60 Valley View Drive, Fairburn, GA 30213;

(continued)

Georgia Dropbox Locations by County

- **Fulton County:** (continued)

3929 Aviation Circle, Suite A, Atlanta, GA 30336;
11575 Maxwell Road, Alpharetta, GA 30009;
141 Pryor Street, SW, Atlanta, GA 30303;
130 Peachtree Street, SW, Atlanta, GA 30303;
4055 Flat Shoals Road, Union City, GA 30291;
527 King Arnold Street, Hapeville, GA 30354;
8100 Holcomb Bridge Road, Alpharetta, GA 30022;
1463 Pryor Road, SW, Atlanta, GA 30315;
400 Formwalt Street, Atlanta, GA 30312;
1332 Metropolitan Parkway, Atlanta, GA 30310;
855 Mayfield Road, Milton, GA 30009;
7741 Roswell Road, NE, Sandy Springs, GA 30350;
5025 Roswell Road, Atlanta, GA 30342;

(continued)

Georgia Dropbox Locations by County

- **Fulton County:** (continued)

9560 Spruill Road, Alpharetta, GA 30022;
3295 Northside Parkway, NW, Atlanta, GA 30327;
2489 Perry Boulevard, NW, Atlanta, GA 30318;
9111 Cascade Palmetto Highway, Palmetto, GA 30268;
980 Ponce De Leon Ave., NE, Atlanta, GA 30306;
5090 Abbotts Bridge Road, Johns Creek, GA 30005;
115 Norcross Street, Roswell, GA 30075;
395 Mt. Vernon Highway, NE, Sandy Springs, GA 30328;
5600 Stonewall Tell Road, College Park, GA 30349;
1116 MLK Jr. Drive, SW, Atlanta, GA 30314;
525 Peeples Street, SW, Atlanta, GA 30310;
3100 Enon Road, Atlanta, GA 30331;
1 Broad Street, Suite 107, Ellijay, GA 30540

(continued)

Georgia Dropbox Locations by County

- **Glascock County:** 676 West Main Street, Gibson, GA 30810
- **Glynn County:** 1815 Gloucester Street, Brunswick, GA 31520
- **Gordon County:** 101 S. Piedmont Street, Calhoun, GA 30701
- **Grady County:** 250 N. Broad St., Cairo, GA 39828
- **Greene County:** 1180 C. Weldon Smith Dr., Suite 120, Greensboro, GA 30642
- **Gwinnett County:** 2723 North Bogan Road, NE, Buford, GA 30519;
2100 Buford Highway, Buford, GA 30518;
3025 Bethany Church Road, Snellville, GA 30039;
455 Camp Perrin Road, Lawrenceville, GA 30043;
265 Dacula Road, Dacula, GA 30019;
2735 Old Auburn Avenue, Dacula, GA 30019;
3840 Duluth Park Lane, Duluth, GA 30096;

(continued)

Georgia Dropbox Locations by County

- **Gwinnett County:** (continued)

2780 Five Forks Trickum Road, Lawrenceville, GA 30044;
55 Buford Highway, Suwanee, GA 30024;
700 Grayson Parkway, Grayson, GA 30017;
3690 Braselton Highway, Dacula, GA 30019;
1001 Lawrenceville Highway, Lawrenceville, GA 30046;
4515 Lenora Church Road, Snellville, GA 30039;
4817 Church Street, NW, Lilburn, GA 30047;
4651 Britt Road, Norcross, GA 30093;
1063 Rockbridge Road, SW, Stone Mountain, GA 30087;
1210 Pounds Road, Lilburn, GA 30047;
6025 Buford Highway, Norcross, GA 30071;
5570 Spalding Drive, Peachtree Corners, GA 30092;
2750 Pleasant Hill Road, Duluth, GA 30096;

(continued)

Georgia Dropbox Locations by County

- **Gwinnett County:** (continued)
 - 2740 Lenora Church Road, Snellville, GA 30078;
 - 361 Main Street, Suwanee, GA 30024;
 - 455 Grayson Highway, Suite 200, Lawrenceville, GA 30045
- **Habersham County:** 130 Jacob's Way, Suite 101, Clarkesville, GA 30523 (Drop off in-person at office.)
- **Hall County:** 2875 Browns Bridge Rd., Gainesville, GA 30504;
 - 1855 Calvary Church Rd., Gainesville, GA 30507;
 - 100 Brenau Ave., Gainesville, GA 30501;
 - 3911 P. Davidson Rd., Gainesville, GA 30507;
 - 4491 J.M. Turk Rd., Flowery Branch, GA 30542;
 - 4335 Mundy Mill Road, Oakwood, GA 30566;
 - 4796 Thompson Bridge Rd., Gainesville, GA 30506;
 - 4175 Nopone Rd., Gainesville, GA 30506;
 - 6488 Spout Springs Rd., Flowery Branch, GA 30542

Georgia Dropbox Locations by County

- **Hancock County:** 9091 East Broad Street, P.O. Box 118, Sparta, GA 31087
- **Haralson County:** 4485 Ga. Hwy. 120, Buchanan, GA 30113
- **Harris County:** 104 North College Street, Hamilton, GA 31811
- **Hart County:** 182 Cade Street, Suite B, Hartwell, GA 30643
- **Heard County:** 215 Court Square, Franklin, GA 30217 (Drive to curb and employee will come out to get your ballot. No need to get out of car. Ballot immediately processed and placed in lock box in office. Voter can confirm on My Voter Page.)
- **Henry County:** 40 Atlanta St., McDonough, GA 30253
- **Houston County:** 801 Main St., Perry, GA 31069; 200 Carl Vinson Parkway, Warner Robins, GA 31088

Georgia Dropbox Locations by County

- **Irwin County:** 507-C N. Irwin Ave., Ocilla, GA 31774
- **Jackson County:** 441 Gordon Street, Jefferson, GA 30549
- **Jasper County:** 126 W Greene St., Suite #3, Monticello, GA 31064
- **Jeff Davis County:** Not Applicable
- **Jefferson County:** 415 Green Street, Louisville, GA 30434; 401 Broad St., Wrens, GA 30833; 37 Butts Street, Wadley, GA 30477
- **Jenkins County:** 611 E. Winthrope Ave., Millen, GA 30442
- **Johnson County:** 2484 W. Elm St., Wrightsville, GA 31096
- **Jones County:** 166 Industrial Blvd., Gray, GA 31032
- **Lamar County:** 408 Thomaston Street, Suite D, Barnesville, GA 30204
- **Lanier County:** 162 W. Thigpen Ave., Lakeland, GA 31635

Georgia Dropbox Locations by County

- **Laurens County:** 117 E. Jackson Street, Suite A, Dublin, GA 31021
- **Lee County:** 100 Starksville Ave. North, Suite C, Leesburg, GA 31763
- **Liberty County:** 100 N. Main St., Ste. 1600, Hinesville, GA 31313
- **Lincoln County:** 160 May Ave., Lincolnton, GA 30817
- **Long County:** 459 S. McDonald St., Ludowici, GA 31316
- **Lowndes County:** 2808 N. Oak St., Valdosta, GA 31601
- **Lumpkin County:** 56 Short Street, Dahlonega, GA 30533
- **Macon County:** 100 Macon St., Oglethorpe, GA 31068
- **Madison County:** 94 Spring Lake Drive, Danielsville, GA 30633
- **Marion County:** 100 E. Burkhalter Ave., Buena Vista, GA 31803

Georgia Dropbox Locations by County

- **McDuffie County:** 337 Main Street, Suite 101, Thomson, GA 30824; 4614 Augusta Highway, Augusta, GA 30808
- **McIntosh County:** 103 Jefferson St., Darian, GA 31305
- **Meriwether County:** 137 Court Square, Greenville, GA 30222
- **Miller County:** 155 South 1st Street, Colquitt, GA 39837
- **Mitchell County:** 214 N. Harney St., Camilla, GA 31730; 32 North Court Street, Camilla, GA 31730
- **Monroe County:** 38 W. Main St., Forsyth, GA 31029
- **Montgomery County:** 400 S. Railroad Ave., Mount Vernon, GA 30445
- **Morgan County:** 434 Hancock St., Madison, GA 30650
- **Murray County:** 121 N. 4th Ave., Chatsworth, GA 30705

Georgia Dropbox Locations by County

- **Muscogee County:** 3111 Citizens Way, Columbus, GA 31906; 1441 Benning Dr., Columbus, GA 31903; 5601 Veterans Parkway, Columbus, GA 31904
- **Newton County:** 1113 Usher Street, Covington, GA 30014; 3612 Salem Road, Covington, GA 30016
- **Oconee County:** 10 Court Street, Watkinsville, GA 30677
- **Oglethorpe County:** 41 Fairground Road, Lexington, GA 30648
- **Paulding County:** 240 Constitution Blvd., Dallas, GA 30132; 217 Main Street, Hiram, GA 30141
- **Peach County:** 205 W. Church St., Fort Valley, GA 31030; 401 Main St., Byron, GA 31008
- **Pickens County:** 83 Pioneer Road, Jasper, GA 30143

Georgia Dropbox Locations by County

- **Pierce County:** 312 Nichols St., Suite 2, Blackshear, GA 31516
- **Pike County:** 81 Jackson St., Zebulon, GA 30295
- **Polk County:** 144 West Avenue, Suite D, Cedartown, GA 30125
- **Pulaski County:** 5 S. Lumpkin St., Hawkinsville, GA 31036
- **Putnam County:** 100 S. Jefferson Ave., Suite 217, Eatontown, GA 31024
- **Quitman County:** 46 Old School Road, Georgetown, GA 39854
- **Rabun County:** 18 Old Raca High Drive, Suite 105, Clayton, GA 30525
- **Randolph County:** Elections Office: 93 Front St., Cuthbert, GA 39840
- **Richmond County:** 535 Telfair Street, Augusta, GA 30901; 4335 Windsor Spring Road, Hephzibah, GA 30815; 2463 Golden Camp Road, Augusta, GA 30906; 300 Warren Road, Augusta, GA 30907

Georgia Dropbox Locations by County

- **Rockdale County:** 1261 Commercial Dr., SW, Suite B, Conyers, GA 30094
- **Schley County:** 47 N. Pecan Street, Ellaville, GA 31806
- **Screven County:** 216 Mims Road, Room 114, Sylvania, GA 30467
- **Seminole County:** 200 S. Knox Ave., Donalsonville, GA 39845
- **Spalding County:** 825 Memorial Drive, Griffin, GA 30223
- **Stephens County:** 102 W. Tugalo St., Toccoa, GA 30577
- **Stewart County:** 1745 Broad Street, Lumpkin, GA 31815
- **Sumter County:** 500 W. LaMar Street, Americus, GA 31709
- **Talbot County:** 141 N. Jefferson Ave., Talbotton, GA 31827
- **Taliaferro County:** 113 Monument St., Crawfordville, GA 30631

Georgia Dropbox Locations by County

- **Tattnall County:** 114 West Brazell St., Reidsville, GA 30453
- **Taylor County:** 1 Ivy Street, Butler, GA 31006
- **Telfair County:** 19 East Oak St., Annex Bldg. 3, McCrae-Helena, GA 31055
- **Thomas County:** 1402 E. Jackson St., Thomasville, GA 31792
- **Tift County:** 222 Chestnut Ave., Suite B, Tifton, GA 31794; 225 Tift Ave., Tifton, GA 31794
- **Toombs County:** 125 W. Lincoln Ave., Lyons, GA 30436
- **Towns County:** 67 Lakeview Circle, Suite A, Hiawassee, GA 30546
- **Treutlen County:** 650 Second St., Soperton, GA 30457
- **Troup County:** 100 Ridley Ave., LaGrange, GA 30240
- **Turner County:** 1807 US-41, Sycamore, GA 31790
- **Twiggs County:** 425 N Railroad St., Jeffersonville, GA 31044

Georgia Dropbox Locations by County

- **Union County:** 65 Courthouse St., Blairsville, GA 30512
- **Upson County:** 305 S. Hightower Street, Suite 130, Thomaston, GA 30286
- **Walker County:** 101 S. Duke Street, Lafayette, GA 30728
- **Walton County:** 1110 E. Spring Street, Monroe, GA 30655
- **Ware County:** 408 Tebeau Street, Waycross, GA 31501
- **Warren County:** 48 Warren St., Warrenton, GA 30828 (in person only)
- **Washington County:** 132 W. Haynes St., Room 108, Sandersville, GA 31082
- **Wayne County:** 174 N. Brunswick, Jesup, GA 31598
- **Webster County:** 6622 Cass St., Preston, GA 31824 (hand deliver only)
- **Wheeler County:** 16 W. Forest Ave., Homerville, GA 31634

Georgia Dropbox Locations by County

- **White County:** 1241 Helen Hwy., Suite 210-A, Cleveland, GA 30528
- **Whitfield County:** 205 N. Selvidge St., Suite K, Dalton, GA 30720
- **Wilcox County:** 377 West College Street, Abbeville, GA 31001
- **Wilkes County:** 23 Court Street, Room 113, Washington, GA 30673
- **Wilkinson County:** 100 Bacon St., Room 133, Irwinton, GA 31042
- **Worth County:** 201 North Main Street, Room 10, Sylvester, GA 31791

EXHIBIT 5C

EXHIBIT 5C EXHIBIT B To: Secretary of State, 2016 Ga. Op. Atty. Gen. 02 (2016) 2016 Ga. Op. Atty. Gen. 02 (Ga.A.G.), Ga. Op. Atty. Gen. No. 16-2, 2016 WL 3467245 Office of the Attorney General State of Georgia Official Opinion No. 2016-2 June 15, 2016 Re: The mere possession of another voter's absentee ballot does not constitute unlawful possession of an absentee ballot under either O.C.G.A. § 21-2-385(a) or § 21-2-574. *1 To: Secretary of State Questions have repeatedly been raised by cases before the State Election Board ("Board") whether possession of another voter's absentee ballot constitutes a violation of either O.C.G.A. § 21-2-385(a) or § 21-2-574. My opinion is that the mere possession of another voter's absentee ballot does not constitute a violation of either statute. The statute containing directives on how voters are to return their absentee ballots, O.C.G.A. § 21-2-385, instructs voters to place their absentee ballot inside the secure envelope which is marked "Official Absentee Ballot." O.C.G.A. § 21-2-385(a). The voter then puts that ballot envelope inside another envelope which contains an oath for the voter and anyone assisting the voter with the ballot. The statute then provides: Such envelope shall then be securely sealed and the elector shall then mail or personally deliver same to the board of registrars or absentee ballot clerk, provided that delivery by a physically disabled elector may be made by any adult person upon satisfactory proof that such adult person is such elector's mother, father, grandparent, aunt, uncle, brother, sister, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, or an individual residing in the household of such disabled elector. O.C.G.A. § 21-2-385(a) (emphasis added). In the past, cases have been considered by the Board where individuals have aided voters, typically the elderly or disabled, by transporting the absentee ballots of those voters to a designated mail receptacle. Other cases have addressed situations involving a person carrying a single ballot to be mailed to well over a dozen ballots being carried to a mail receptacle. Similarly, cases have been considered when the possession consists of walking down the sidewalk or driveway to place the ballot in the voter's own mailbox as well as when the ballots have been carried into the local post office for mailing. None of those situations, however, violate the express statutory terms of O.C.G.A. § 21-2-385(a) for two distinct reasons. First, the statute draws a distinction between mailing and delivery of the absentee ballot, modifying only delivery with the adverb "personally." This distinction is evidenced both by the limitation on those who can deliver the ballot of a disabled voter and grammatical construction. Second, the statute is directed only at the elector and does not expressly proscribe the conduct of others. While O.C.G.A. § 21-2-385(a) provides that, in the event of a physical impairment, certain specified persons may deliver the envelope "upon satisfactory proof that such adult person is [one of the persons permitted by statute]," the statute is silent as to how voters permissibly may have their ballots mailed, i.e., by personally walking to the mailbox or by asking someone else to place the ballot in the U.S. mail. *Id.* The statute clearly contemplates personal delivery when discussing delivery to the election © 2023 Thomson Reuters. No claim to original U.S. Government Works. 1 To: Secretary of State, 2016 Ga. Op. Atty. Gen. 02 (2016) office by anyone other than the voter because proof of the person's identity as someone permitted by statute to deliver the ballot is required. Therefore, "mailing" an absentee ballot cannot be considered "delivery" under the statute. *2 Rules of grammatical construction also support this reading of O.C.G.A. § 21-2-385(a). The adverb "personally" follows the disjunctive "or" but immediately precedes the verb "deliver." Therefore, the word "personally" modifies the word deliver and not mail. See Chicago Manual of Style § 5-155 (15th ed. 2003) (describing proper placement of adverb as "near as possible to the word it is intended to modify."); 30 (3d ed. 1979). The Georgia Supreme Court has instructed that we are to read statutory text "in its most natural and reasonable way, as an ordinary speaker of the English language would." *Deal v. Coleman*, 294 Ga. 170, 172-73 (2013). Applying rules of grammatical construction, "if the statutory text is 'clear and unambiguous,' we attribute to the statute its plain meaning, and our search for statutory meaning is at an end." *Deal*, 294 Ga. at 173 (quoting *Opensided MRI of Atlanta v. Chandler*, 287 Ga. 406, 407 (2010)). Here, the plain meaning of the statute is clear: the modifier "personally" describes only the manner of hand delivery to election officials and not the antecedent steps necessary to use the postal service. Finally, the statute instructs only the voter casting an absentee ballot to mail the envelope containing the absentee ballot; it does not expressly prohibit others from any conduct. There is no language in this statute expressly prohibiting others from holding, possessing, or mailing the absentee ballot. Therefore, administrative actions against persons for "possessing" or "mailing" another voter's absentee ballot find no textual support in O.C.G.A. § 21-2-385(a). A related statute, O.C.G.A. § 21-2-574, makes it a felony to possess a ballot outside of the polling place. The statute provides: Any person, other than an officer charged by law with the care of ballots or a person entrusted by any such officer with the care of the same for a purpose required by law, who has in his or her possession outside the polling place any official ballot shall be guilty of a felony. O.C.G.A. § 21-2-574 (emphasis added). This statute uses only the term ballot and does not include the term absentee ballot. The cardinal rule of statutory construction requires ... [c]ourt[s] to look diligently for the intention of the General Assembly [O.C.G.A. § 1-3-1], and the golden rule of statutory construction requires us to follow the literal language of the statute unless it produces contradiction, absurdity, or such an inconvenience as to [e]nsure that the legislature meant something else. Absent clear evidence that a contrary meaning was intended by the legislature, we assign words in a statute their ordinary, logical, and common meanings. *Turner v. Ga. River Network*, 297 Ga. 306, 308 (2015) (quoting *Judicial Council of Georgia v. Brown & Gallo, LLC*, 288 Ga. 294, 296-97 (2010)). Here, the plain meaning of the words in the statute does not support a reading of the term ballot to include an absentee ballot. Additionally, the legislature uses the term absentee ballot throughout the election code when referring to absentee voting and the fact that it does not use that term in O.C.G.A. § 21-2-574 further supports construing the statute more narrowly to refer only to ballots at the polling place. "[U]nder the rules governing statutory construction, 'statutes in pari materia, i.e., statutes relating to the same subject matter, must be construed together.'" *D' Lue v. Eady*, 297 Ga. 321, 326 (2015) (quoting *Willis v. City of Atlanta*, 285 Ga. 775, 776 (2009)); see also *Zaldivar v. Prickett*, 297 Ga. 589, 605 (2015) (same). *3 Moreover, the prohibition against possession of a ballot outside of the polling place applies to anyone "other than an officer charged by law." O.C.G.A. § 21-2-574. The statute makes no exception for absentee voters to possess their own ballots outside of the polling place. Since absentee voters necessarily lawfully possess their ballots outside of the polling place, the word "ballot" in this statute cannot include an absentee ballot. Such a reading is likewise supported by two of the

Re: The mere possession of another voter's absentee ballot does not constitute unlawful possession of an absentee ballot under either O.C.G.A. § 21-2-385(a) or § 21-2-574.

*1 To: Secretary of State
Questions have repeatedly been raised by cases before the State Election Board ("Board") whether possession of another voter's absentee ballot by a person other than the voter constitutes a violation of either statute. The Board has consistently held that the mere possession of another voter's absentee ballot does not constitute a violation of either statute. The state court provisions are: See Mitchell v. State, 289 Ga. 3 (1972) ("it has always been the law that criminal statutes must be strictly construed against the state."). Additionally, "statutes should be read according to the natural and most obvious import of the language, without resorting to subtle and forced constructions, for the purpose of either limiting or extending their operation, and this principle is particularly compelling when interpreting criminal statutes." State v. Johnson, 260 Ga. 370, 371 (1998). Here, the most natural reading of the statute, based on both the plain language of the statute as well as the historical evolution of the election code, makes clear that the appropriate interpretation of O.C.G.A. § 21-2-574 is that it applies only to official ballots issued, and cast, at the polling place, rather than a forced construction that is read to include absentee ballots within the statute's ambit. Finally, the voting assistance to the board of registrars or absentee ballot clerk, provided that delivery by a physically disabled elector may be made by any adult person upon satisfactory proof that such adult person is such elector's mother, father, grandparent, aunt, uncle, brother, sister, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, or an individual residing in the household of such disabled elector.

O.C.G.A. § 21-2-385(a) (emphasis added).

In the past, cases have been considered by the Board where individuals have aided voters, typically the elderly or disabled, by transporting the absentee ballots of those voters to a designated mail receptacle. Other cases have addressed situations involving a person carrying a single ballot to be mailed to well over a dozen ballots being carried to a mail receptacle. Similarly, cases have been considered when the possession consists of walking down the sidewalk or driveway to place the ballot in the voter's own mailbox as well as when the ballots have been carried into the local post office for mailing. None of those situations, however, violate the express statutory terms of O.C.G.A. § 21-2-385(a) for two distinct reasons. First, the statute draws a distinction between mailing and delivery of the absentee ballot, modifying only delivery with the adverb "personally." This distinction is evidenced both by the limitation on those who can deliver the ballot of a disabled voter and grammatical construction. Second, the statute is directed only at the elector and does not expressly proscribe the conduct of others.

While O.C.G.A. § 21-2-385(a) provides that, in the event of a physical impairment, certain specified persons may deliver the envelope "upon satisfactory proof that such adult person is [one of the persons permitted by statute]," the statute is silent as to how voters permissibly may have their ballots mailed, i.e., by personally walking to the mailbox or by asking someone else to place the ballot in the U.S. mail. Id. The statute clearly contemplates personal delivery when discussing delivery to the election

office by anyone other than the voter because proof of the person's identity as someone permitted by statute to deliver the ballot is required. Therefore, "mailing" an absentee ballot cannot be considered "delivery" under the statute.

*2 Rules of grammatical construction also support this reading of O.C.G.A. § 21-2-385(a). The adverb "personally" follows the disjunctive "or" but immediately precedes the verb "deliver." Therefore, the word "personally" modifies the word deliver and not mail. See Chicago Manual of Style § 5-155 (15th ed. 2003) (describing proper placement of adverb as "near as possible to the word it is intended to modify."); 30 (3d ed. 1979). The Georgia Supreme Court has instructed that we are to read statutory text "in its most natural and reasonable way, as an ordinary speaker of the English language would." *Deal v. Coleman*, 294 Ga. 170, 172-73 (2013). Applying rules of grammatical construction, "if the statutory text is 'clear and unambiguous,' we attribute to the statute its plain meaning, and our search for statutory meaning is at an end." *Deal*, 294 Ga. at 173 (quoting *Opensided MRI of Atlanta v. Chandler*, 287 Ga. 406, 407 (2010)). Here, the plain meaning of the statute is clear: the modifier "personally" describes only the manner of hand delivery to election officials and not the antecedent steps necessary to use the postal service.

Finally, the statute instructs only the voter casting an absentee ballot to mail the envelope containing the absentee ballot; it does not expressly prohibit others from any conduct. There is no language in this statute expressly prohibiting others from holding, possessing, or mailing the absentee ballot. Therefore, administrative actions against persons for "possessing" or "mailing" another voter's absentee ballot find no textual support in O.C.G.A. § 21-2-385(a).

A related statute, O.C.G.A. § 21-2-574, makes it a felony to possess a ballot outside of the polling place. The statute provides: Any person, other than an officer charged by law with the care of ballots or a person entrusted by any such officer with the care of the same for a purpose required by law, who has in his or her possession outside the polling place any official ballot shall be guilty of a felony.

O.C.G.A. § 21-2-574 (emphasis added). This statute uses only the term ballot and does not include the term absentee ballot. The cardinal rule of statutory construction requires ... [c]ourt[s] to look diligently for the intention of the General Assembly [O.C.G.A. § 1-3-1], and the golden rule of statutory construction requires us to follow the literal language of the statute unless it produces contradiction, absurdity, or such an inconvenience as to [e]nsure that the legislature meant something else. Absent clear evidence that a contrary meaning was intended by the legislature, we assign words in a statute their ordinary, logical, and common meanings.

Turner v. Ga. River Network, 297 Ga. 306, 308 (2015) (quoting *Judicial Council of Georgia v. Brown & Gallo, LLC*, 288 Ga. 294, 296-97 (2010)). Here, the plain meaning of the words in the statute does not support a reading of the term ballot to include an absentee ballot. Additionally, the legislature uses the term absentee ballot throughout the election code when referring to absentee voting and the fact that it does not use that term in O.C.G.A. § 21-2-574 further supports construing the statute more narrowly to refer only to ballots at the polling place. "[U]nder the rules governing statutory construction, 'statutes in pari materia, i.e., statutes relating to the same subject matter, must be construed together.'" *Lue v. Eady*, 297 Ga. 321, 326 (2015) (quoting *Willis v. City of Atlanta*, 285 Ga. 775, 776 (2009)); see also *Zaldivar v. Prickett*, 297 Ga. 589, 605 (2015) (same).

*3 Moreover, the prohibition against possession of a ballot outside of the polling place applies to anyone "other than an officer charged by law." O.C.G.A. § 21-2-574. The statute makes no exception for absentee voters to possess their own ballots outside of the polling place. Since absentee voters necessarily lawfully possess their ballots outside of the polling place, the word "ballot" in this statute cannot include an absentee ballot. Such a reading is likewise supported by two of the main canons of statutory construction:

'expressio unius est exclusio alterius (expression of one thing implies exclusion of another) and *expressum facit cessare tacitum* (if some things are expressly mentioned, the inference is stronger that those not mentioned were intended to be excluded).'

Turner v. Ga. River Network, 297 Ga. 306, 308 (2015) (quoting *Hammock v. State*, 277 Ga. 612, 615 (2004)). The relevant statutory language lists only the officer charged by law or someone entrusted by that same officer as permissibly possessing a ballot outside of the polling place. Notably absent from the list of individuals exempted from criminal liability under an impermissibly expansive reading of O.C.G.A. § 21-2-574 are the absentee voter or, in the case of a disabled elector, an individual entrusted by the elector with delivery of the absentee ballot. See O.C.G.A. § 21-2-385(a) (“delivery by a physically disabled elector may be made by any adult person” who is one of a delineated set of relatives or who lives in the household of the disabled elector). The statutory language simply makes no sense if the word ballot is construed to include an absentee ballot. Likewise, the inclusion of the term “outside the polling place” gives further evidence that the General Assembly intended that this provision does not apply to absentee ballots under the canon of *noscitur a sociis*, where the meaning of a word can be known from the accompanying words in the statutory provision. See, e.g., *Warren v. State*, 294 Ga. 589, 590-91 (2014) (the terms in statutory provisions “should be understood in relation to each other, since ‘[w]ords, like people, are judged by the company they keep.’” (quoting *Hill v. Owens*, 292 Ga. 380, 383 (2013))).

The historical use of the term official ballot in Georgia's election code also weighs against expanding the term to include absentee ballots. In 1964 the Georgia legislature enacted a comprehensive election code. 1964 Ga. Laws 26. The 1964 law included the nearly identical statutory language currently codified at O.C.G.A. § 21-2-574.¹ See 1964 Ga. Laws 26, 189. This comprehensive Act included a provision for “official absentee ballots” to “be in substantially the form for ballots required by Chapter 34-11,” which governed the form of official ballots. Ga. Code Ann. § 34-1403 (1980). The legislature's distinction between official ballot and official absentee ballot in the 1964 legislation is important because the language making it a felony to possess an “official ballot” outside of the polling place has not substantively changed since 1964. The 1964 legislation clearly prohibited only the possession of an official ballot, not an official absentee ballot.

*4 Additionally, O.C.G.A. § 21-2-574 is a criminal statute, with violations punishable as felonies. In interpreting O.C.G.A. § 21-2-574, then, one must read the statute narrowly, construing any ambiguity against the state and in favor of the individual accused of violating the statutory provisions. See *Mitchell v. State*, 239 Ga. 3 (1977) (“It has always been the law that criminal statutes must be strictly construed against the state.”). Additionally, “[s]tatutes should be read according to the natural and most obvious import of the language, without resorting to subtle and forced constructions, for the purpose of either limiting or extending their operation, and this principle is particularly compelling when interpreting criminal statutes.” *State v. Johnson*, 269 Ga. 370, 371 (1998). Here, the most natural reading of the statute, based on both the plain language of the statute as well as the historical evolution of the election code, makes clear that the appropriate interpretation of O.C.G.A. § 21-2-574 is that it applies only to official ballots issued, and cast, at the polling place, rather than a forced construction that is read to include absentee ballots within the statute's ambit.

Finally, the voting assistance provisions in section 208 of the Voting Rights Act also provide guidance on who may assist a disabled or illiterate elector in federal elections, including assisting for purposes of mailing or delivering the absentee ballot of the disabled or illiterate voter. 52 U.S.C. § 10508, formerly 42 U.S.C. § 1973aa-6; see also *Holton v. Hollingsworth*, 270 Ga. 591, 593 (1999) (explaining that O.C.G.A. § 21-2-385, which sets forth who may assist a disabled or illiterate voter, may not be enforced in a federal election, and that compliance with the statute is not a “mandatory condition of the counting of the absentee ballot”); 1984 Op. Att'y Gen. 84-15 (O.C.G.A. § 21-2-385, to extent it limits the class of persons that may assist a voter with an absentee ballot, may not be enforced in Presidential Preference Primary). The terms of O.C.G.A. § 21-2-574 likewise cannot be construed to prevent voters from receiving assistance, including assistance in mailing or delivering an absentee ballot, from anyone of their choosing and not otherwise prohibited by section 208 of the Voting Rights Act.

There may be circumstances where, with proof of additional facts, individuals can be charged for their conduct in relation to interaction with an absentee voter and that voter's absentee ballot. An individual marking an elector's absentee ballot in contravention of that elector's expressed desire would violate the felony provisions of O.C.G.A. § 21-2-568(b), which prohibits “any person ... [from] register[ing] a vote in any other way than that requested by the voter.” In the same manner, it would follow that marking another voter's absentee ballot unbeknownst to that other elector may support, depending on the particular

facts, a violation of O.C.G.A. §§ 21-2-568(b) (influencing a voter), 21-2-568(a)(2) (interfering with a voter marking the voter's ballot), or 21-2-573 (voting absentee by "any person ... who knows that he or she is not qualified to vote").

*5 I am also aware that compelling policy justifications may exist for preventing a person from possessing the absentee ballot of another voter. However, those policy reasons, regardless of how compelling they might well be, cannot create a case for imposition of criminal or civil liability on a person where the actual text of the statutes does not support a finding of a violation.

Therefore, it is my official opinion that the simple possession of another voter's absentee ballot does not constitute a violation of either O.C.G.A. § 21-2-385(a) or § 21-2-574.

Prepared by:

Cristina M. Correia
Assistant Attorney General

Footnotes

- 1 The only changes between the 1964 law and the current statute is that the phrase "or ballot cards" was deleted immediately after the word ballots and the phrase "or ballot card" was deleted immediately following the term "official ballot." Compare Ga. Code Ann. § 34-1912 (1980), with O.C.G.A. § 21-2-574.

2016 Ga. Op. Atty. Gen. 02 (Ga.A.G.), Ga. Op. Atty. Gen. No. 16-2, 2016 WL 3467245

EXHIBIT 5D

EXHIBIT 5D EXHIBIT C To: Secretary of State, 1984 Ga. Op. Atty. Gen. 34 (1984) 1984 Ga. Op. Atty. Gen. 34 (Ga.A.G.), Ga. Op. Atty. Gen. No. 84-15, 1984 WL 59886 Office of the Attorney General State of Georgia Opinion No. 84-15 February 23, 1984 *1 The restrictions contained in O.C.G.A. § 21-2-409 limiting the class of persons permitted to assist disabled or illiterate electors at the polls and the restrictions contained in O.C.G.A. § 21-2-385 limiting the class of persons permitted to assist disabled or illiterate electors voting by absentee ballot cannot be enforced in the Presidential Preference Primary nor can the limitations contained in these Code sections concerning the number of persons one individual may assist be enforced. To: Secretary of State This is in response to your recent request for my official opinion concerning the effect of Section 208 of the Voting Rights Act of 1965, as amended, on the conduct of the Presidential Preference Primary scheduled for March 13, 1984. Section 208 is a new provision of the Voting Rights Act enacted in 1982 as a part of the Act which extended and modified certain provisions of the Voting Rights Act. Section 208, which went into effect on January 1, 1984, provides that: 'Any voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer, or officer or agent of the voter's union.' To determine the effect of this provision of the Voting Rights Act, it is important to note that, in the conduct of federal elections, Congress has the ultimate supervisory power to oversee the elections (*Oregon v. Mitchell*, 400 U.S. 112, 124 (1970)), and that, with respect to matters over which Congress is given the power to legislate, under the Supremacy Clause of Article VI of the United States Constitution [U.S. Const. Art. VI], federal laws are given precedence over any conflicting state law. Therefore, to the extent that the Georgia election laws conflict with Section 208 of the Voting Rights Act, the Georgia election laws must give way and may not be enforced. The Georgia Election Code contains two provisions dealing with voter assistance. The first is O.C.G.A. § 21-2-409 which provides in subsection (b) that: '(b) Any elector who is entitled to receive assistance in voting under this Code section shall be permitted by the managers to select (1) any elector, except a poll officer or poll watcher, who is a resident of the precinct in which the elector requiring assistance is attempting to vote; or (2) the mother, father, sister, brother, spouse, or child of the elector entitled to receive assistance, to enter the voting compartment or booth with him to assist him in voting, such assistance to be rendered inside the voting compartment or booth. No person shall assist more than ten such electors in any primary, election, or runoff.' Amended by Ga. Laws 1982, p. 1512, § 5; 1983, p. 140, § 1. The second provision of the Georgia Election Code which deals with voter assistance is O.C.G.A. § 21-2-385, which concerns the procedures for voting by absentee ballot, which provides in subsection (b) that: *2 '(b) A physically disabled or illiterate elector may receive assistance in preparing his ballot from one of the following: any elector who is qualified to vote in the same county as the disabled elector or the mother, father, brother, sister, spouse, son, daughter, mother-in-law, father-in-law, brother-in-law, or sister-in-law of the elector. If the disabled elector is sojourning outside his own county, a notary public of the jurisdiction may give such assistance and shall sign the oath printed on the same © 2023 Thomson Reuters. No claim to original U.S. Government Works. 1 To: Secretary of State, 1984 Ga. Op. Atty. Gen. 34 (1984) envelope as the oath to be signed by the elector. No person shall assist more than ten such electors in any primary, election, or runoff.' Amended by Ga. Laws 1983, p. 140, § 1. Since the Presidential Preference Primary is a federal election, the provisions of Section 208 of the Voting Rights Act would take precedence over these provisions of state law. Thus, in the Presidential Preference Primary, a disabled or illiterate elector may choose any person to assist him in voting, except that the elector may not choose his employer or an agent of that employer or an officer or agent of his union. 1 Based upon the foregoing, it is my official opinion that the restrictions contained in O.C.G.A. § 21-2-409 limiting the class of persons permitted to assist disabled or illiterate electors at the polls and the restrictions contained in O.C.G.A. § 21-2-385 limiting the class of persons permitted to assist disabled or illiterate electors voting by absentee ballot cannot be enforced in the Presidential Preference Primary nor can the limitations contained in these Code sections concerning the number of persons one individual may assist be enforced. Michael J. Bowers Attorney General Footnotes 1 Please note that this opinion does not address the effect of Section 208 of the Voting Rights Act of 1965, as amended, on the conduct of purely state and local elections. 1984 Ga. Op. Atty. Gen. 34 (Ga.A.G.), Ga. Op. Atty. Gen. No. 84-15, 1984 WL 59886 End of Document © 2023 Thomson Reuters. No claim to original U.S. Government Works. © 2023 Thomson Reuters. No claim to original U.S. Government Works. 2

1984 Ga. Op. Atty. Gen. 34 (Ga.A.G.), Ga. Op. Atty. Gen. No. 84-15, 1984 WL 59886

Office of the Attorney General

State of Georgia
Opinion No. 84-15
February 23, 1984

***1** The restrictions contained in [O.C.G.A. § 21-2-409](#) limiting the class of persons permitted to assist disabled or illiterate electors at the polls and the restrictions contained in [O.C.G.A. § 21-2-385](#) limiting the class of persons permitted to assist disabled or illiterate electors voting by absentee ballot cannot be enforced in the Presidential Preference Primary nor can the limitations contained in these Code sections concerning the number of persons one individual may assist be enforced.

To: Secretary of State

This is in response to your recent request for my official opinion concerning the effect of Section 208 of the Voting Rights Act of 1965, as amended, on the conduct of the Presidential Preference Primary scheduled for March 13, 1984.

Section 208 is a new provision of the Voting Rights Act enacted in 1982 as a part of the Act which extended and modified certain provisions of the Voting Rights Act. Section 208, which went into effect on January 1, 1984, provides that:

‘Any voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter’s choice, other than the voter’s employer or agent of that employer, or officer or agent of the voter’s union.’

To determine the effect of this provision of the Voting Rights Act, it is important to note that, in the conduct of federal elections, Congress has the ultimate supervisory power to oversee the elections (*Oregon v. Mitchell*, 400 U.S. 112, 124 (1970)), and that, with respect to matters over which Congress is given the power to legislate, under the Supremacy Clause of Article VI of the United States Constitution [U.S. Const. Art. VI], federal laws are given precedence over any conflicting state law. Therefore, to the extent that the Georgia election laws conflict with Section 208 of the Voting Rights Act, the Georgia election laws must give way and may not be enforced.

The Georgia Election Code contains two provisions dealing with voter assistance. The first is [O.C.G.A. § 21-2-409](#) which provides in subsection (b) that:

‘(b) Any elector who is entitled to receive assistance in voting under this Code section shall be permitted by the managers to select (1) any elector, except a poll officer or poll watcher, who is a resident of the precinct in which the elector requiring assistance is attempting to vote; or (2) the mother, father, sister, brother, spouse, or child of the elector entitled to receive assistance, to enter the voting compartment or booth with him to assist him in voting, such assistance to be rendered inside the voting compartment or booth. No person shall assist more than ten such electors in any primary, election, or runoff.’ Amended by Ga. Laws 1982, p. 1512, § 5; 1983, p. 140, § 1.

The second provision of the Georgia Election Code which deals with voter assistance is [O.C.G.A. § 21-2-385](#), which concerns the procedures for voting by absentee ballot, which provides in subsection (b) that:

***2** ‘(b) A physically disabled or illiterate elector may receive assistance in preparing his ballot from one of the following: any elector who is qualified to vote in the same county as the disabled elector or the mother, father, brother, sister, spouse, son, daughter, mother-in-law, father-in-law, brother-in-law, or sister-in-law of the elector. If the disabled elector is sojourning outside his own county, a notary public of the jurisdiction may give such assistance and shall sign the oath printed on the same

envelope as the oath to be signed by the elector. No person shall assist more than ten such electors in any primary, election, or runoff.' Amended by Ga. Laws 1983, p. 140, § 1.

Since the Presidential Preference Primary is a federal election, the provisions of Section 208 of the Voting Rights Act would take precedence over these provisions of state law. Thus, in the Presidential Preference Primary, a disabled or illiterate elector may choose *any* person to assist him in voting, except that the elector may not choose his employer or an agent of that employer or an officer or agent of his union.¹

Based upon the foregoing, it is my official opinion that the restrictions contained in [O.C.G.A. § 21-2-409](#) limiting the class of persons permitted to assist disabled or illiterate electors at the polls and the restrictions contained in [O.C.G.A. § 21-2-385](#) limiting the class of persons permitted to assist disabled or illiterate electors voting by absentee ballot cannot be enforced in the Presidential Preference Primary nor can the limitations contained in these Code sections concerning the number of persons one individual may assist be enforced.

Michael J. Bowers
Attorney General

Footnotes

- ¹ Please note that this opinion does not address the effect of Section 208 of the Voting Rights Act of 1965, as amended, on the conduct of purely state and local elections.

1984 Ga. Op. Atty. Gen. 34 (Ga.A.G.), Ga. Op. Atty. Gen. No. 84-15, 1984 WL 59886

EXHIBIT 6

EXHIBIT 6 IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION
IN RE GEORGIA SENATE BILL 202 SIXTH DISTRICT OF THE AFRICAN METHODIST
EPISCOPAL CHURCH, et al., V. Plaintiffs, BRIAN KEMP, Governor of the State of Georgia, in his official
capacity, et al., Defendants, REPUBLICAN NATIONAL COMMITTEE, et al., Intervenor-Defendants. Master Case
No.: 1:21-MI-55555-JPB
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION
IN SUPPORT OF AME PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION DECLARATION OF MATT
HARGROVES (pursuant to 28 U.S.C. § 1746) My name is Matt Hargroves. I am over the age of 21 and fully

competent to make this declaration. Under penalty of perjury, I declare the following based upon my personal
knowledge: 1. I currently live in Athens in Athens-Clarke County, Georgia, and am a registered to vote here. 3. I
am 32 years old and white. 4. I am a staff member at the Athens Area Homeless Shelter. Work with clients
experiencing homelessness. 5. I would estimate that over 90% of our clients are experiencing some sort of
physical or mental disability, although some of these are undiagnosed. 6. Almost all of our clients lack a reliable
means of transportation. 7. Because of this lack of transportation, many of their disabilities, and other barriers,
voting in person is often difficult or impossible for our clients. Many of them must vote absentee if they want to
vote at all. 8. Our staff has helped clients get registered to vote in the past and get their free voter identification
cards. 2 9. I did not learn of restrictions on who could return ballots until after the passage of S.B. 202. 10. If the
law were changed to decriminalize assistance, I would be willing to bring applications and completed ballots for
my clients facing various obstacles to vote, including disabilities and lack of access to transportation. Specifically,
I would be willing to bring blank ballot applications to the shelter and return completed applications and ballots
via drop box. 11. I believe that assisting our clients in voting is a part of our role in helping them fully participate in
society and exercise their rights. Since the passage of S.B. 202, staff members do not assist clients with
absentee ballots, including bring them blank applications and returning completed applications and ballots
because our understanding is that we may not handle those ballots. 12. Many of these clients do not have
regular contact with their families. 13. Most of our clients do not have someone who helps them with personal or
medical care. We have not been informed of who qualifies as a caregiver and whether we as staff would be
considered a caregiver so that we could assist with absentee ballots without being afraid of 3 prosecution.
Without knowing who counts as a caregiver, staff cannot take the risk of helping clients with their absentee
ballots. 14. Without transportation or the ability for staff members to drop off their ballots, many of our clients will
be unable to vote. I declare under penalty of perjury that the foregoing is true and correct. Executed on this 10th
Matt Hengson Matt Hargroves day of 4 May 2023

Intervenor-Defendants.

**DECLARATION OF MATT HARGROVES IN SUPPORT OF AME
PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION**

DECLARATION OF MATT HARGROVES
(pursuant to 28 U.S.C. § 1746)

My name is Matt Hargroves. I am over the age of 21 and fully competent to make this declaration. Under penalty of perjury, I declare the following based upon my personal knowledge:

1. I currently live in Athens in Athens-Clarke County, Georgia, and am a registered to vote here.
3. I am 32 years old and white.
4. I am a staff member at the Athens Area Homeless Shelter. I work with clients experiencing homelessness.
5. I would estimate that over 90% of our clients are experiencing some sort of physical or mental disability, although some of these are undiagnosed.
6. Almost all of our clients lack a reliable means of transportation.
7. Because of this lack of transportation, many of their disabilities, and other barriers, voting in person is often difficult or impossible for our clients. Many of them must vote absentee if they want to vote at all.
8. Our staff has helped clients get registered to vote in the past and get their free voter identification cards.

9. I did not learn of restrictions on who could return ballots until after the passage of S.B. 202.

10. If the law were changed to decriminalize assistance, I would be willing to bring applications and completed ballots for my clients facing various obstacles to vote, including disabilities and lack of access to transportation. Specifically, I would be willing to bring blank ballot applications to the shelter and return completed applications and ballots via drop box.

11. I believe that assisting our clients in voting is a part of our role in helping them fully participate in society and exercise their rights.

Since the passage of S.B. 202, staff members do not assist clients with absentee ballots, including bring them blank applications and returning completed applications and ballots because our understanding is that we may not handle those ballots.

12. Many of these clients do not have regular contact with their families.

13. Most of our clients do not have someone who helps them with personal or medical care. We have not been informed of who qualifies as a caregiver and whether we as staff would be considered a caregiver so that we could assist with absentee ballots without being afraid of

prosecution. Without knowing who counts as a caregiver, staff cannot take the risk of helping clients with their absentee ballots.

14. Without transportation or the ability for staff members to drop off their ballots, many of our clients will be unable to vote.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 10th day of May, 2023



Matt Hargroves

EXHIBIT 7

EXHIBIT 7 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 SIXTH
DISTRICT OF THE AFRICAN METHODIST EPISCOPAL CHURCH, et al., Civil Action No.: 1:21- cv-01284-JPB
Plaintiffs, v. BRIAN KEMP, Governor of the State of Georgia, in his official capacity, et al., Defendants,
REPUBLICAN NATIONAL COMMITTEE, et al., Intervenor-Defendants, DEAF AND HARD-OF-HEARING
THORNTON IN SUPPORT OF AME PLAINTEES' MOTION FOR A PRELIMINARY INJUNCTION Pursuant to 28
U.S.C. § 1746, I hereby declare as follows: 1. I, Suzanne "Zan" Thornton, am over the age of 21 and fully

competent to make this declaration. Under penalty of perjury, I declare the following based upon my personal
knowledge: Background about ADAPT. 2. I am a resident of DeKalb County, Georgia. I am the Co-Chair of the
Executive Board of Georgia ADAPT. 3. I'm a veteran of the 401st Chemical Corps, where I served in the reserves
from 1982-88. I have a degree in social work from Georgia State University, and a degree in interpreting for the
Deaf. I was also certified as an addiction counselor and I worked as an addiction counselor for Deaf and hard-of-

hearing individuals. I have training and certifications in non-violence training, including how to communicate
effectively and to deescalate situations. 4. Georgia ADAPT is a nonpartisan, statewide disability rights
organization, that is fiscally sponsored by the Fund for Southern Communities and the New Disabled South. 5.

Georgia ADAPT's mission includes two primary aims: 1) to use civil resistance and principled nonviolence to end
institutional bias against Georgians with disabilities, and 2) to empower the disability community by encouraging
use of their voice and vote, as well as to educate candidates about how to reach and serve the disability
community. 6. Georgia ADAPT's members are people who share our values and support our mission. We do not
charge dues or membership fees to be a part of Georgia ADAPT. We stay in touch with members via emails and

our members attend our rallies and events. ADAPT's Election Activities Before S.B. 202 7. Prior to the passage
of S.B. 202, ADAPT spent about 80 percent of our time helping Georgians with disabilities get access to
Medicaid services through Federal Medicaid Waivers to help them get out of nursing facilities and other
institutions and live in the community with the supports they need. The 2 remainder of our time (about 20

percent) was spent on election-related activities. 8. For our election-related work, we helped people with
absentee ballot applications by providing sign language interpretation for Deaf voters who may not read, write, or
understand English well, and supporting blind voters by reading the application and describing the colored
envelopes to them. We also educated voters with disabilities and volunteers about the voting process as well as
services ADAPT could provide, through Facebook, other social media, and press coverage. 9. We would arrange

or provide rides to the polls through a Roll to the Polls program, and our Native 2 Natives with Disabilities
program. We used to provide people waiting in line with snacks, water, and personal protective equipment. Since
I and some of our volunteers are wheelchair users, we were easily able to carry food and water to offer to people
when the lines were long. We also sometimes provided limited seating. This program also sometimes
transported people to drop off their absentee ballots in a drop box during the 2020 election cycle. In the January
2021 runoff, we had about five people offering this service. Impact of S.B. 202 on ADAPT's Members and
Election Activities 10. S.B. 202 was passed without consideration for the effect on people with disabilities, which I

found to be incredibly frustrating. I was supposed to testify at the hearing, as a person with disabilities and as a
veteran, but the process was so rushed that I wasn't able to. So legislators who voted on the bill didn't even get
to hear from the people who would be harmed by the changes they were putting into place. 11. Since S.B. 202
passed, we put more energy in getting rides to the polls and helping people drop off absentee ballots. Now,

about 80 percent of Georgia ADAPT's energy and time goes to getting people to the polls, helping them request
and receive their absentee ballots, and then following up if they don't get their absentee ballots. Prior to S.B. 202,
we would receive about 200 calls in a major election cycle and provide about 150 rides. In 2022, after S.B. 202
passed, we received about 2000 calls, and provided about 788 rides between the primary, the general election,
and then the runoff, including over about 450 rides for the runoff alone. In our experience, many 3 people with
disabilities have been very worried about new absentee voting requirements and have decided to vote in person
as a result. 12. Because of the demand for rides, we had to apply for more grant funding to rent wheelchair
accessible vans. We also had to increase the number of volunteer and paid drivers to take people to the polls,

which means recruiting, training, and managing a large number of people. In 2022, we had about 32 volunteers,
including drivers and attendants who could help people who need more than just transportation, but also need
help to get down stairs to get their ride, for example. In my experience, no other organizations in Georgia provide
this type of assistance for voters with disabilities. 13. One reason our service is so valuable is that public
transportation options are not timely or accessible for voters with disabilities. Public transportation is virtually
nonexistent in some places and the paratransit service provided by the Metropolitan Atlanta Rapid Transit
Authority (MARTA) has to be reserved in advance, sometimes even weeks in advance. For voting in person or
dropping off an absentee ballot, these are not practical or feasible options for many people with disabilities. For

example, if people have to wait in line, it is difficult or impossible to predict when to schedule a return ride home
using paratransit. For people who need attendants or interpreters, we can stay with them in line which is
something that other groups or services cannot do. And if someone gets a ride to their polling place, and it turns
out to be the wrong polling place, they have no way of getting a ride to the correct location. 14. Part of the
change to our work has been that we, and our volunteers, need to understand the restrictive new rules in S.B.
202. For example, since volunteers cannot provide food, water, or seats while voters are waiting in line, they
must be trained not to violate the law if they are assisting a voter with a disability. 15. Another difficulty we have
faced is that the cumulative effect of the new rules has increased our workload. For example, because of the
compressed runoff period, we have less time to schedule rides in each location, whereas previously, we could
plan to be in a geographic area for a few days during early voting and schedule rides over that time. People have
gotten confused about new absentee ballot rules and timelines, or didn't have or couldn't get 4 proper ID, and
have ended up needing our support to vote in person, which meant we have needed to provide more rides to the
polls. 16. Also, when drop boxes were outside and available 24/7, voters with disabilities could get a ride to drop
off their ballot or have a family member drop it off. Now, some of those people are forced to vote in person, which
has made the lines and wait times longer and strains our volunteer capacity. Some of the people we assist

Some of the people we assist

require a lot of help to get into and out of the van, and also to navigate the polling place and voting equipment. Sometimes, we have had to educate poll workers and also make sure that the voter gets the help they need with voting equipment at the polling place. We had to take one 93-year-old woman who used a wheelchair to three polling places because her polling place had changed. No one else could drive her because she needed assistance getting from inside her house to the van. We had to provide a lot of advocacy and assistance to make sure she was able to cast her ballot. 17. A big problem is that people didn't receive their absentee ballots and now have less time to request another one so they are forced to vote in person, even though the reason they prefer to vote absentee is because of the barriers they face getting to and waiting at the polls. We are aware of at least 15-20 people who we helped get to the polls to vote in person because of this. We assisted a voter who was taking care of her mother out of state. She doesn't drive because of her disabilities and she was determined to vote, so she took the bus from North Carolina back to Guilford County, where we picked her up and drove her to her polling place. She voted, got back on the bus, went back to see her mom, and the ballot never came. 18. We worked with one woman who lived in Savannah. She applied for, but didn't receive her absentee ballot and didn't have time to request another one, so she was forced to vote in person. Unfortunately, her parents work so they have limited time to take her to the polls. For her to vote in person, they would have to pick her up, get her in the car, fold her wheelchair, take her to the polling place, assist her out of the car, and wait for her to vote. Because her parents were unable to take her, ADAPT was asked to take her to vote and provide the assistance she needed. 19. During the 2022 runoff, I went to a polling place on Memorial Drive in DeKalb County where the disability line was one and one-half hours long. One of the people we were transporting has diabetes, but because she was not in a wheelchair, she was not permitted to go to the front of the line. We were not permitted to give her any food or water or a chair while she was in line, which concerned me a lot. If she had had a medical crisis, we would have been forced to break the law in order to do the right thing and assist her. 20. Another concern I had that day was that I saw people leave because they didn't want to or couldn't wait that long. I saw at least four people walk away. When I encouraged them to stay, they said, "the line is too long, it's too hard." 21. In addition, the line went out the door, and so people who wanted to drop off their absentee ballot waited in line and didn't know to go inside and drop it off, because the line blocked the door, and the drop box for absentee ballots is inside. There was not much room for people in wheelchairs and people who wanted or needed to pass by. If the drop box were outside like it used to be, there would not be an access problem for Deaf and hard of hearing people. 22. Since S.B. 202 passed, we have also stopped providing some services that we used to provide in order to help people apply for absentee ballots. Before S.B. 202, we helped people apply for absentee ballots, especially voters who are Deaf or who have vision impairments. Now, because of the potential punishment for unauthorized ballot assistance and the confusing rules about who can assist and when, we do not provide ballot assistance and refer those individuals to other organizations instead. We have also started to refer people to Georgia Advocacy Office if they have questions that we feel need to be answered by a lawyer, since the rules are now much more complicated and we do not understand all of the legal requirements. This means fewer voters with disabilities can receive assistance because fewer organizations are equipped to help them. 23. We also charge a fee for drop-off and pick-up of anything in South Georgia as an absentee ballot drop-off. S.B. 202, we would transport a disabled voter to a drop box and place the ballot in the drop box for them. Now, we will only help them out of the car or van,

1. I, Suzanne "Zan" Thornton, am over the age of 21 and fully competent to make this declaration. Under penalty of perjury, I declare the following based upon my personal knowledge:

Background about ADAPT

2. I am a resident of DeKalb County, Georgia. I am the Co-Chair of the Executive Board of Georgia ADAPT.

3. I am a veteran of the 401st Chemical Corps, where I served in the reserves from 1982-88. I have a degree in social work from Georgia State University, and a degree in interpreting for the Deaf. I was also certified as an addition counselor and worked as a parole officer for Deaf and hard of hearing people.

4. Georgia ADAPT is a nonpartisan, state-wide disability rights organization, and we do not charge dues or membership fees to be a part of Georgia ADAPT. We stay in touch with members via emails and our members attend our rallies and events.

5. Georgia ADAPT's mission includes two primary aims: 1) to use civil resistance and principled nonviolence to end institutional bias against Georgians with disabilities, and 2) to empower the disability community by encouraging use of their voice and vote, as well as to educate candidates about how to reach and serve the disability community.

6. Georgia ADAPT's members are people who share our values and support our mission. We do not charge dues or membership fees to be a part of Georgia ADAPT. We stay in touch with members via emails and our members attend our rallies and events.

ADAPT's Election Activities Before S.B. 202

7. Prior to the passage of S.B. 202, ADAPT spent about 80 percent of our time helping Georgians with disabilities get access to Medicaid services through federal Medicaid Waivers to help them get out of nursing facilities and other institutions and live in the community with the supports they need. The

remainder of our time (about 20 percent) was spent on election-related activities.

8. For our election-related work, we helped people with absentee ballot applications by providing sign language interpretation for Deaf voters who may not read, write, or understand English well, and supporting blind voters by reading the application and describing the colored envelopes to them. We also educated voters with disabilities and volunteers about the voting process as well as services ADAPT could provide, through Facebook, other social media, and press coverage.
9. We would arrange or provide rides to the polls through a Roll to the Polls program, and our Native 2 Natives with Disabilities program. We used to provide people waiting in line with snacks, water, and personal protective equipment. Since I and some of our volunteers are wheelchair users, we were easily able to carry food and water to offer to people when the lines were long. We also sometimes provided limited seating. This program also sometimes transported people to drop off their absentee ballots in a drop box during the 2020 election cycle. In the January 2021 runoff, we had about five people offering this service.

Impact of S.B. 202 on ADAPT's Members and Election Activities

10. S.B. 202 was passed without consideration for the effect on people with disabilities, which I found to be incredibly frustrating. I was supposed to testify at the hearings, as a person with disabilities and as a veteran, but the process was so rushed that I wasn't able to. So legislators who voted on the bill didn't even get to hear from the people who would be harmed by the changes they were putting into place.
11. Since S.B. 202 passed, we put more energy in getting rides to the polls and helping people drop off absentee ballots. Now, about 80 percent of Georgia ADAPT's energy and time goes to getting people to the polls, helping them request and receive their absentee ballots, and then following up if they don't get their absentee ballots. Prior to S.B. 202, we would receive about 200 calls in a major election cycle and provide about 150 rides. In 2022, after S.B. 202 passed, we received about 2000 calls, and provided about 788 rides between the primary, the general election, and then the runoff, including over about 450 rides for the runoff alone. In our experience, many

people with disabilities have been very worried about new absentee voting requirements and have decided to vote in person as a result.

12. Because of the demand for rides, we had to apply for more grant funding to rent wheelchair accessible vans. We also had to increase the number of volunteer and paid drivers to take people to the polls, which means recruiting, training, and managing a large number of people. In 2022, we had about 32 volunteers, including drivers and attendants who could help people who need more than just transportation, but also need help to get down stairs to get their ride, for example. In my experience, no other organizations in Georgia provide this type of assistance for voters with disabilities.
13. One reason our service is so valuable is that public transportation options are not timely or accessible for voters with disabilities. Public transportation is virtually nonexistent in some places and the paratransit service provided by the Metropolitan Atlanta Rapid Transit Authority (MARTA) has to be reserved in advance, sometimes even weeks in advance. For voting in person or dropping off an absentee ballot, these are not practical or feasible options for many people with disabilities. For example, if people have to wait in line, it is difficult or impossible to predict when to schedule a return ride home using paratransit. For people who need attendants or interpreters, we can stay with them in line which is something that other groups or services cannot do. And if someone gets a ride to their polling place, and it turns out to be the wrong polling place, they have no way of getting a ride to the correct location.
14. Part of the change to our work has been that we, and our volunteers, need to understand the restrictive new rules in S.B. 202. For example, since volunteers cannot provide food, water, or seats while voters are waiting in line, they must be trained not to violate the law if they are assisting a voter with a disability.
15. Another difficulty we have faced is that the cumulative effect of the new rules has increased our workload. For example, because of the compressed runoff period, we have less time to schedule rides in each location, whereas previously, we could plan to be in a geographic area for a few days during early voting and schedule rides over that time. People have gotten confused about new absentee ballot rules and timelines, or didn't have or couldn't get

proper ID, and have ended up needing our support to vote in person, which meant we have needed to provide more rides to the polls.

16. Also, when drop boxes were outside and available 24/7, voters with disabilities could get a ride to drop off their ballot or have a family member drop it off. Now, some of those people are forced to vote in person, which has made the lines and wait times longer and strains our volunteer capacity. Some of the people we assist require a lot of help to get into and out of the van, and also to navigate the polling place and voting equipment. Sometimes, we have had to educate poll workers and also make sure that the voter gets the help they need with voting equipment at the polling place. We had to take one 93-year-old woman who used a wheelchair to three polling places because her polling place had changed. No one else could drive her because she needed assistance getting from inside her house to the van. We had to provide a lot of advocacy and assistance to make sure she was able to cast her ballot.
17. A big problem is that people didn't receive their absentee ballots and now have less time to request another one so they are forced to vote in person, even though the reason they prefer to vote absentee is because of the barriers they face getting to and waiting at the polls. We are aware of at least 15-20 people who we helped get to the polls to vote in person because of this. We assisted a voter who was taking care of her mother out of state. She doesn't drive because of her disabilities and she was determined to vote, so she took the bus from North Carolina back to Fulton County, where we picked her up and drove her to her polling place. She voted, got back on the bus, went back to see her mom, and the ballot never came.
18. We worked with one woman who lived in Savannah. She applied for, but didn't receive her absentee ballot and didn't have time to request another one, so she was forced to vote in person. Unfortunately, her parents work so they have limited time to take her to the polls. For her to vote in person, they would have to pick her up, get her in the car, fold her wheelchair, take her to the polling place, assist her out of the car, and wait for her to vote. Because her parents were unable to take her, ADAPT was asked to take her to vote and provide the assistance she needed.
19. During the 2022 runoff, I went to a polling place on Memorial Drive in DeKalb County where the disability line was one and one-half hours long.

One of the people we were transporting has diabetes but because she was not in a wheelchair, she was not permitted to go to the front of the line. We were not permitted to give her any food or water or a chair while she was in line, which concerned me a lot. If she had had a medical crisis, we would have been forced to break the law in order to do the right thing and assist her.

20. Another concern I had that day was that I saw people leave because they didn't want to or couldn't wait that long. I saw at least four people walk away. When I encouraged them to stay, they said, "the line is too long, it's too hard."
21. In addition, the line went out the door, and so people who wanted to drop off their absentee ballot waited in line and didn't know to go inside and drop it off, because the line blocked the door, and the drop box for absentee ballots is inside. There was not much room for people in wheelchairs and people who wanted or needed to pass by. If the drop box were outside like it used to be, there would not be an access problem and the line would have been much shorter.
22. Since S.B. 202 passed, we have also stopped providing some services that we used to provide. We no longer help people apply for absentee ballots. Before S.B. 202, we helped people apply for absentee ballots, especially voters who are Deaf or who have vision impairments. Now, because of the potential punishment for unauthorized ballot assistance and the confusing rules about who can assist and when, we do not provide ballot assistance and refer those individuals to other organizations instead. We have also started to refer people to Georgia Advocacy Office if they have questions that we feel need to be answered by a lawyer, since the rules are now much more complicated and we do not understand all of the legal requirements. This means fewer voters with disabilities can receive assistance because fewer organizations are equipped to help them.
23. We also changed our policy to no longer do anything involving touching an absentee ballot. Prior to S.B. 202, we would transport a disabled voter to a drop box and place the ballot in the drop box for them. Now, we will only help them out of the car or van, push their wheelchair to the drop box, and have them insert it. This requires a lot more time and effort for our volunteers and voters. We are aware of at least five people who were not able to use the drop boxes now that they are inside and are no longer

accessible for people who don't have someone to help them drop off their ballot.

24. We no longer provide line relief—meaning giving people food, water, and chairs while they wait. Instead, we can only offer people these items while they are in our van. We have also had to discontinue some of our voter education work, since our ride service takes up so much of our capacity.
25. Since S.B. 202 was passed, there are activities that are a priority for Georgia ADAPT that we have not been able to engage in because of our focus on election work. Normally, we would be doing work to remove the institutional bias in Medicaid and the services that people with disabilities need to live at home. But we have not been able to be in Washington D.C. doing that grassroots lobbying work. There is a bill that we want to be lobbying for in Congress but we haven't been able to because we don't have the capacity.
26. If S.B. 202 were to be enjoined, we would have more capacity to return to our work of helping Georgians with disabilities live in their own homes. We would not have to spend so much of our time offering rides to the polls if people were able to use the absentee ballot process without so much confusion and so many barriers. If they could access drop boxes independently, or have a family member drop off their ballot after hours, we would not have to take those people to the polls to vote in person, or take them to the indoor drop boxes, which now involves helping them out of our vehicle and assisting them to drop off their own ballot.

I declare under penalty of perjury that the statements above are true.

This the 5 day of MAY, 2023.

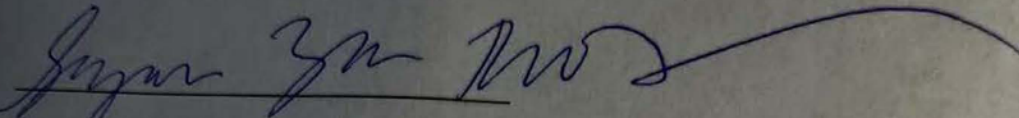

Suzanne "Zan" Thornton

EXHIBIT 8

EXHIBIT 8 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 SIXTH
DISTRICT OF THE AFRICAN METHODIST EPISCOPAL CHURCH, et al., Civil Action No.: 1:21- cv-01284-JPB
Plaintiffs, v. BRIAN KEMP, Governor of the State of Georgia, in his official capacity, et al., Defendants,
REPUBLICAN NATIONAL COMMITTEE, et al., Intervenor-Defendants
DECLARATION OF WENDELL HALSELL IN SUPPORT OF AME PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION

OF WENDELL HALSELL (pursuant to 28 U.S.C. § 1746) My name is Wendell Halsell. I am over the age of 21 and fully competent to make this declaration. Under penalty of perjury, I declare the following based upon my personal knowledge: 1. I currently live in Lithonia in DeKalb County, Georgia. I have been a Georgia voter for over 30 years. 2. I am 65 years old and African American. 3. I am permanently disabled because I have lost the use of my right leg. This makes it extremely difficult for me to stand for any period of time and to walk far. I also experience breathing problems, and I have early stage COPD. 4. I voted in person on Election Day in the May 2022 primary elections because by the time I tried to request my absentee ballot, the deadline had already passed for its return. Ultimately, I had to be driven to the polling place by my nephew since I prefer not to drive myself due to my disabilities. My polling place was New Birth Missionary Church in DeKalb County. 5. I expected the voting area to be near the church's entrance as it had been in years past. Before, if you were handicapped parking, the polling location was located directly next to the entrance ramp, but this year was different. Instead, I had to walk what felt like nearly a half mile to access the voting area. The trip, once I was already inside the building, required me to use a walker and take multiple breaks for rest along the way. I had recently had two heart procedures and walking this distance to access the polling place was very difficult. Fortunately, another voter saw I was struggling and pushed me on my walker the rest of the way toward the 2 voting area. My nephew had been waiting in the vehicle because I had no idea that the walk into the polling place would be so difficult this time. Before, I remember the process being much more easily accessible so I did not expect to need his assistance. 6. In the November 2022 general election, I tried again to vote absentee. I applied for an absentee ballot online around August 28. Later, I received an absentee ballot in the mail. 7. I voted via dropbox in November 2022 and December 2022 because sending mail is nearly impossible for me. There are no mail boxes near me. And, I live in a condo where there is no way to notify the postman that I have a letter to go out unless I actually see him. My mailbox does not fit large envelopes, so I am forced to leave the envelope beside or on top of the mailbox and hope the postal worker picks it up. The mail man usually won't even come to my mailbox if he doesn't have mail for me. 8. My nephew drove me to the dropbox located on Memorial Drive in DeKalb County. The voting location is about 8-9 miles from my house. The box was not located outside, so one of my nephews helped me out of my car and then stayed in the car. I had gone in with the intention of simply dropping it in the dropbox outside and didn't realize the dropbox would be located inside. I thought I would just be able to pull up and stay inside the vehicle sitting in the passenger side and deposit my ballot from the passenger window of the vehicle. I was under the assumption I needed to return my ballot myself; no one has given me information about who can return my ballot and with the confusing rules about getting help with absentee ballots I would be nervous about asking my nephew to do something that might be illegal. Also, although my nephew might have been able to put my ballot in the dropbox, it is important to me to see that my vote is being cast. 9. I had to leave the dropbox and walk to the entrance of the building. I found this process very exhausting. When I got into the building, I needed several minutes to recuperate. One of the workers there gave me a chair to sit in to recover, but told me they couldn't offer me any water because it's illegal. 10. I cast my ballot at the dropbox inside the building, but the exhausting experience made me wonder, "What is the point of voting absentee if I have to do all of this?" Using mail is not a better option for me because of all the obstacles I described before. In the December 2022 runoff election, I voted via absentee ballot and again returned it to a dropbox. Again, the process did not go well at all. Because the dropbox is no longer outside, I wondered again what the purpose is of voting absentee at all. I had to park, get out, and go inside the polling place. Again, it was difficult for me to do that, and again, the poll workers could not provide water. I don't understand how this is even absentee voting, and I wish I could have voted with the convenience of the dropbox process like other voters, who don't have disabilities. I was deprived of the convenience of using the dropbox as a disabled person because of the way it has been implemented. 11. I came up through the civil rights movement. I spent my summers with family in Alabama and remember being served out of the back window because we were not allowed to enter the front door. 12. My vote matters. My vote is how I help impact who is in power and what policies are put in place. Voting is something I talk about with all the young people in my life. I help them register. I help them understand the importance of exercising this right. I know my ability to vote shouldn't be compromised as a result of my disabilities or age. 4 I lltcl:lrc Ltilder lllflit lt-\ r,1 l;cirrrr") tititl rtlc lirrqrirtirrg is tt-Llc llii,il irtt.i.,-t,l I l r r',it'r1,,,, a7""zg:r,:/3/""€l/ \$ ^ _c*(J- 5

DECLARATION OF WENDELL HALSELL
(pursuant to 28 U.S.C. § 1746)

My name is Wendell Halsell. I am over the age of 21 and fully competent to make this declaration. Under penalty of perjury, I declare the following based upon my personal knowledge:

1. I currently live in Lithonia in DeKalb County, Georgia. I have been a Georgia voter for over 30 years.
2. I am 65 years old and African American.
3. I am permanently disabled because I have lost the use of my right leg. This makes it extremely difficult for me to stand for any period of time and to walk far. I also experience breathing problems, and I have early stage COPD.
4. I voted in person on Election Day in the May 2022 primary elections because by the time I tried to request my absentee ballot, the deadline had already passed for its return. Ultimately, I had to be driven to the polling place by my nephew since I prefer not to drive myself due to my disabilities. My polling place was New Birth Missionary Church in DeKalb County.
5. I expected the voting area to be near the church's entrance as it had been in years past. Before, if you parked in handicapped parking, the polling location was located directly next to the entrance ramp, but this year was different. Instead, I had to walk what felt like nearly a half mile to access the voting area. The trip, once I was already inside the building, required me to use a walker and take multiple breaks for rest along the way. I had recently had two heart procedures and walking this distance to access the polling place was very difficult. Fortunately, another voter saw I was struggling and pushed me on my walker the rest of the way toward the

voting area. My nephew had been waiting in the vehicle because I had no idea that the walk into the polling place would be so difficult this time. Before, I remember the process being much more easily accessible so I did not expect to need his assistance.

6. In the November 2022 general election, I tried again to vote absentee. I applied for an absentee ballot online around August 28. Later, I received an absentee ballot in the mail.

7. I voted via dropbox in November 2022 and December 2022 because sending mail is nearly impossible for me. There are no mail boxes near me. And, I live in a condo where there is no way to notify the postman that I have a letter to go out unless I actually see him. My mailbox does not fit large envelopes, so I am forced to leave the envelope beside or on top of the mailbox and hope the postal worker picks it up. The mail man usually won't even come to my mailbox if he doesn't have mail for me.

8. My nephew drove me to the dropbox located on Memorial Drive in DeKalb County. The voting location is about 8-9 miles from my house. The box was not located outside, so one of my nephews helped me out of my car and then stayed in the car. I had gone in with the intention of simply dropping it in the dropbox outside and didn't realize the dropbox would be located inside. I thought I would just be able to pull up and stay inside the vehicle sitting in the passenger side and deposit my ballot from the passenger window of the vehicle. I was under the assumption I needed to return my ballot myself; no one has given me information about who can return my ballot and with the confusing rules about getting help with absentee ballots I would be nervous about asking my nephew to do something that might be illegal. Also, although my nephew might have been able to put my ballot in the dropbox, it is important to me to see that my vote is being cast.

9. I had to have someone assist me up a ramp to get into the building. I found this

process very exhausting. When I got into the building, I needed several minutes to recuperate. One of the workers there gave me a chair to sit in to recover, but told me they couldn't offer me any water because it's illegal.

10. I cast my ballot at the dropbox inside the building, but the exhausting experience made me wonder, "What is the point of voting absentee if I have to do all of this?" Using mail is not a better option for me because of all the obstacles I described before. In the December 2022 runoff election, I voted via absentee ballot and again returned it to a dropbox. Again, the process did not go well at all. Because the dropbox is no longer outside, I wondered again what the purpose is of voting absentee at all. I had to park, get out, and go inside the polling place. Again, it was difficult for me to do that, and again, the poll workers could not provide water. I don't understand how this is even absentee voting, and I wish I could have voted with the convenience of the dropbox process like other voters, who don't have disabilities. I was deprived of the convenience of using the dropbox as a disabled person because of the way it has been implemented.

11. I came up through the civil rights movement. I spent my summers with family in Alabama and remember being served out of the back window because we were not allowed to enter the front door.

12. My vote matters. My vote is how I help impact who is in power and what policies are put in place. Voting is something I talk about with all the young people in my life. I help them register. I help them understand the importance of exercising this right. I know my ability to vote shouldn't be compromised as a result of my disabilities or age.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 4/28 2023 ~~10th~~


WENDELL HAISSELL

EXHIBIT 9

3 EXHIBIT 93 C. RYAN GERMANY 30(b)(6) April 13, 2023 IN RE GEORGIA SENATE BILL 202 111 April 13, 2023
 4 IN THE GEORGIA SENATE BILL 202 111 FOR THE NORTHERN DISTRICT OF GEORGIA 2 1
 5 ATLANTA DIVISION 3 4 IN RE
 6 GEORGIA SENATE BILL 202 111 Master Case No. 121-MI-55555-JPB-5
 7 IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA
 8 RYAN GERMANY 13 IN A 30(b)(6) CAPACITY FOR THE 14 GEORGIA SECRETARY OF
 9 STATE'S OFFICE 15 ATLANTA, GEORGIA 16 THURSDAY, APRIL 13, 2023 17 18 19
 20 21 22 23 REPORTED BY: TANYA L. VERHOVEN-PAGE, CCR-B-1790 24 FILE NO.
 25 J9553809 25 800.211.DEPO (3376) EsquireSolutions.com 3 C. RYAN GERMANY 30(b)(6) April 13, 2023 IN RE
 1 GEORGIA SENATE BILL 202 111 1 Q Does your office receive Federal 2 financial assistance? 3
 4 A Yes 4 Q What are the sources of that Federal 5 financial assistance? 6 A The
 7 financial assistance that our office 7 has received has come from HAVA, which is basically 8 distributed by
 9 the EAC, and then it's come from 9 the -- we have some CARES funds, as well, which were 10 also
 11 distributed by the EAC. 11 Q Any other Federal funds you're aware of 12 besides the HAVA and
 13 CARES Act funding? 13 A I believe they all -- there's been 14 different kind of tranches of HAVA
 15 funding, but I 15 think it's basically been those two. So like we got 16 some cyber security funding, which I
 17 think is through 17 HAVA, but I'm not exactly sure about that. 18 Q And do you -- do you spend these
 19 funds 19 that you receive or are there circumstances where you 20 grant them out to counties to do the work?
 21 A Both. 22 Q What sort of Federal funding do you 23 distribute to counties? 24 A
 25 We do distribute funds to counties for 25 disability access for polling places. We had 800.211.DEPO (3376)
 8 EsquireSolutions.com YVer1f 3 C. RYAN GERMANY 30(b)(6) April 13, 2023 IN RE GEORGIA SENATE BILL
 9 202 112 1 distributed funds to counties for PPE and COVID 2 personal protective equipment or whatever. I
 10 can't 3 remember -- is that what -- COVID kind of protective 4 equipment and other COVID-related supplies.
 11 We 5 did -- I think we did a grant for drop box 6 availability. 7 We also -- I don't -- I don't think we
 12 8 actually distributed to counties, but we made 9 available a -- an absentee ballot fulfillment vendor 10 in
 11 2020 that basically took some of those costs off 11 of counties or made it available for them to use, 12 just
 12 because the volume was so much more than I think 13 they had anticipated. 14 Q So you paid some of
 13 the costs of that 15 vendor for four counties; is that right? 16 A I believe we paid the full costs, at 17
 14 least for -- in the primary I know we paid the full 18 cost for the vendor, and then I think -- after that 19 it
 15 would have been maybe voluntary if counties wanted 20 to utilize that vendor and the State pay or they 21
 16 could do it themselves. 22 Q So you mentioned I think drop box 23 funding, PPE, the absentee
 17 voting fulfillment. Any 24 other purposes the Federal funding is used for? 25 A It has been used for
 18 accessibility at 800.211.DEPO (3376) EsquireSolutions.com YVer1f 3 C. RYAN GERMANY 30(b)(6) April 13,
 19 2023 IN RE GEORGIA SENATE BILL 202 113 1 polling places, as well. 2 Q Okay. Anything else? 3
 20 A From a grant-to-counties perspective? 4 Q Yes. 5 A Because it has been used for
 21 other things 6 that we've spent on. 7 Q Sure. 8 A I think -- I think what I mentioned 9
 22 covers the -- what counties have utilized for grants. 10 Q And in terms of the funds that you 11
 23 yourself spend, what do you use those for? 12 A So the Secretary of State's Office has 13 spent funds
 24 on absentee ballot fulfillment. I 14 believe we used those funds for absentee ballot 15 applications, as well,
 25 mailing out the absentee 16 ballot applications. We used it to, I think, put in 17 place the absentee ballot
 18 tracking system through a 18 vendor called BallotTrax that was put in place in 19 2020. 20 We've
 19 used it for certain cyber security 21 upgrades for the voter registration system. We used 22 it for COVID
 20 personal protective equipment and other 23 kind of COVID-related supplies, cleaning equipment. 24 We used
 21 it for kind of voter education, PSA type 25 stuff, as well. 800.211.DEPO (3376) EsquireSolutions.com YVer1f 3
 22 C. RYAN GERMANY 30(b)(6) April 13, 2023 IN RE GEORGIA SENATE BILL 202 114 1 Q So you said
 23 you used it for the -- to 2 provide or mail absentee ballots? 3 A I believe -- well, we used it for the 4
 24 applications, I believe. 5 Q Okay. 6 A And then for the mailing absentee 7 ballots, we did
 25 provide -- used that vendor. We made 8 that vendor available to counties and we covered the 9 cost of that.
 10 Q Was that done -- has that been done since 11 the 2020 election cycle or was that just something
 11 that happened during the 2020 cycle? 13 A So the absentee ballot fulfillment, that 14 vendor
 12 would was only paid for by the State, with 15 Federal funds I believe, in 2020. Other things 16 have -- we still
 13 use the BallotTrax. I'm not sure if 17 it's continued to be paid with Federal funds or not. 18 We still provide
 14 voter education, like PSA type 19 stuff, although there was a lot more money for that 20 in 2020 because of
 15 COVID than there has been since. 21 Q Are you familiar with Section 208 of the 22 Voting Rights Act?
 22 A I'm not sure I could tell you what 24 section specifically that is. 25 Q Sure. We'll get to
 23 that. 800.211.DEPO (3376) EsquireSolutions.com YVer1f 3 C. RYAN GERMANY 30(b)(6) April 13, 2023 IN RE
 24 GEORGIA SENATE BILL 202 195 1 evidence to recommend a violation, and I'm not sure 2 what action the
 25 State Election Board took. 3 Q Okay. 4 A As I read this, what really strikes me is 5 this is
 1 kind of a good case showing some of the 6 difficulties that are, I think, unique to absentee 7 ballots for --
 2 from an election official perspective. 8 Q Now, SB 202 imposes criminal penalties on 9 unauthorized
 3 return of absentee ballots, but permits 10 ballots being returned by family members and 11 caregivers,
 4 correct? 12 A Correct. 13 Q Does the law define what it means to be a 14 caregiver? 15
 5 A No. 16 Q Has the State Election Board taken any 17 steps to define what a caregiver is? 18
 6 A I guess I should say, when we're talking 19 about the law, SB 202, to my knowledge, doesn't 20 define
 7 what it means to be a caregiver, and I don't 21 think the State Election Board has defined that 22 either. 23
 8 Q Has your office defined what it means to 24 be a caregiver? 25 A No, I don't believe so.
 9 800.211.DEPO (3376) EsquireSolutions.com YVer1f 3 C. RYAN GERMANY 30(b)(6) April 13, 2023 IN RE
 10 GEORGIA SENATE BILL 202 196 1 Q And no -- has there been any information 2 EsquireSolutions.com
 11 communicated to counties on what it means 3 to be caregiver? 4 A Not that I'm aware of. 5
 12 And there's no public information 6 available about what it means to be a caregiver, 7 correct? 8
 13 A I'm not sure. 9 Q You're not aware of any? 10 A I'm not aware of any. 11 Q Okay. So

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residents of a nursing home and 12 nursing home staff would not have any way to know who 13 counts as a
caregiver for purpose of assisting 14 voters? 15 MR. FIELD: Object to form 16 THE
WITNESS: I wouldn't agree with 17 that. 18 BY MR. DIMMICK: 19 Q How would they know? 20
A Well, I think they kind of have to 21 evaluate their situation and determine whether they 22 are a
caregiver or not. Again, it's a word that you 23 know, I think can be known. It's not -- and they can 24
determine that and determine if they are a caregiver or not to 25 that person. 800.211.DEPO (3376)
EsquireSolutions.com YVer1f 3 C. RYAN GERMANY 30(b)(6) April 13, 2023 IN RE GEORGIA SENATE BILL
202 197 1 Q But there's nothing for them to go on 2 other than the definition of the word, correct? 3
A I don't know that I would agree with 4 that. 5 Q And someone in that position, for example
6 a nursing home staff, who wanted to assist a voter 7 would be subject to criminal -- criminal penalties 8
9 for returning the ballot if they were not, in fact, 10 an authorized caregiver? 11 A I don't know about the
12 word authorize. 13 Q Well, presumably the law has, you know, 14 something in mind when it -- you
15 either are a 16 caregiver under the law or you're not. So is there 17 any -- how would they know whether they
18 were a 19 caregiver or not, I guess is my question. 20 MR. FIELD: Object to form. 21 THE
22 WITNESS: I think it's a 23 determination that they have to make 24 given their situation. 25 BY MR.
26 DIMMICK: 27 Q Q And there's no guidance that you're aware 28 of on, for example, whether the
29 definition caregiver 30 would include clerical or administrative staff of a 31 nursing home? 32 A Could
33 you be more specific about 34 800.211.DEPO (3376) EsquireSolutions.com YVer1f 3 C. RYAN GERMANY
35 30(b)(6) April 13, 2023 IN RE GEORGIA SENATE BILL 202 198 1 mean, I don't think I could agree there's no
2 guidance 3 on that, but could you be more specific? 4 Q What guidance would you identify -- say 5
6 if -- let's say the activities director of a nursing 7 home wanted to know whether they qualified as a 8
9 caregiver. What guidance would be available to them? 10 A Well, I mean, they could Google it and 11
12 see, like, hey, what -- how was this sort of defined? 13 That's what I do a lot when I have a question. 14
15 Q But there's no guidance from your office 16 or from the SEB, correct? 17 A Correct. 18
19 (Plaintiffs' Germany) Deposition 14 Exhibit No. 441 was marked for the 15 record.) 16 MR.
27 DIMMICK: Could we introduce 17 this one. I'll introduce what I think is 18

the -- we have some CARES funds, as well, which were
also distributed by the EAC.

Q Any other Federal funds you're aware of
besides the HAVA and CARES Act funding?

A I believe they all -- there's been
different kind of tranches of HAVA funding, but I
think it's basically been those two. So like we got
some cyber security funding, which I think is through
HAVA, but I'm not exactly sure about that.

Q And do you -- do you spend these funds
that you receive or are there circumstances where you
grant them out to counties to do the work?

A Both.

Q What sorts of Federal funding do you
distribute to counties?

A We do distribute funds to counties for
disability access for polling places. We had

1 distributed funds to counties for PPE and COVID
2 personal protective equipment or whatever. I can't
3 remember -- is that what -- COVID kind of protective
4 equipment and other COVID-related supplies. We
5 did -- I think we did a grant for drop box
6 availability.

7 We also -- I don't -- I don't think we
8 actually distributed to counties, but we made
9 available a -- an absentee ballot fulfillment vendor
10 in 2020 that basically took some of those costs off
11 of counties or made it available for them to use,
12 just because the volume was so much more than I think
13 they had anticipated.

14 Q So you paid some of the costs of that
15 vendor for four counties; is that right?

16 A I believe we paid the full costs, at
17 least for -- in the primary I know we paid the full
18 cost for the vendor, and then I think -- after that
19 it would have been maybe voluntary if counties wanted
20 to utilize that vendor and the State pay or they
21 could do it themselves.

22 Q So you mentioned, I think, drop box
23 funding, PPE, the absentee voting fulfillment. Any
24 other purposes the Federal funding is used for?

25 A It has been used for accessibility at

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1 polling places, as well.

2 Q Okay. Anything else?

3 A From a grant-to-counties perspective?

4 Q Yes.

5 A Because it has been used for other things
6 that we've spent it on.

7 Q Sure.

8 A I think -- I think what I mentioned
9 covers the -- what counties have utilized for grants.

10 Q And in terms of the funds that you
11 yourself spend, what do you use those for?

12 A So the Secretary of State's Office has
13 spent funds on absentee ballot fulfillment. I
14 believe we used those funds for absentee ballot
15 applications, as well, mailing out the absentee
16 ballot applications. We used it to, I think, put in
17 place the absentee ballot tracking system through a
18 vendor called BallotTrax that was put in place in
19 2020.

20 We've used it for certain cyber security
21 upgrades for the voter registration system. We used
22 it for COVID personal protective equipment and other
23 kind of COVID-related supplies, cleaning equipment.
24 We used it for kind of voter education, PSA type
25 stuff, as well.

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1 Q So you said you used it for the -- to
2 provide or mail absentee ballots?

3 A I believe -- well, we used it for the
4 applications, I believe.

5 Q Okay.

6 A And then for the mailing absentee
7 ballots, we did provide -- used that vendor. We made
8 that vendor available to counties and we covered the
9 cost of that.

10 Q Was that done -- has that been done since
11 the 2020 election cycle or was that just something
12 that happened during the 2020 cycle?

13 A So the absentee ballot fulfillment, that
14 vendor would was only paid for by the State, with
15 Federal funds I believe, in 2020. Other things
16 have -- we still use the BallotTrax. I'm not sure if
17 it's continued to be paid with Federal funds or not.
18 We still provide voter education, like PSA type
19 stuff, although there was a lot more money for that
20 in 2020 because of COVID than there has been since.

21 Q Are you familiar with Section 208 of the
22 Voting Rights Act?

23 A I'm not sure I could tell you what
24 section specifically that is.

25 Q Sure. We'll get to that.

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1 evidence to recommend a violation, and I'm not sure
2 what action the State Election Board took.

3 Q Okay.

4 A As I read this, what really strikes me is
5 this is kind of a good case showing some of the
6 difficulties that are, I think, unique to absentee
7 ballots for -- from an election official perspective.

8 Q Now, SB 202 imposes criminal penalties on
9 unauthorized return of absentee ballots, but permits
10 ballots being returned by family members and
11 caregivers, correct?

12 A Correct.

13 Q Does the law define what it means to be a
14 caregiver?

15 A No.

16 Q Has the State Election Board taken any
17 steps to define what a caregiver is?

18 A I guess I should say, when we're talking
19 about the law, SB 202, to my knowledge, doesn't
20 define what it means to be a caregiver, and I don't
21 think the State Election Board has defined that
22 either.

23 Q Has your office defined what it means to
24 be a caregiver?

25 A No, I don't believe so.

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1 Q And no -- has there been any information
2 or guidance communicated to counties on what it means
3 to be caregiver?

4 A Not that I'm aware of.

5 Q And there's no public information
6 available about what it means to be a caregiver,
7 correct?

8 A I'm not sure.

9 Q You're not aware of any?

10 A I'm not aware of any.

11 Q Okay. So residents of a nursing home and
12 nursing home staff would not have any way to know who
13 counts as a caregiver for purpose of assisting
14 voters?

15 MR. FIELD: Object to form.

16 THE WITNESS: I wouldn't agree with
17 that.

18 BY MR. DIMMICK:

19 Q How would they know?

20 A Well, I think they kind of have to
21 evaluate their situation and determine whether they
22 are a caregiver or not. Again, it's a word that, you
23 know, I think can be known. It's not -- and they can
24 evaluate that and determine, are they a caregiver to
25 that person.

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1 Q But there's nothing for them to go on
2 other than the definition of the word, correct?

3 A I don't know that I would agree with
4 that.

5 Q And someone in that position, for example
6 a nursing home staff, who wanted to assist a voter
7 would be subject to criminal -- criminal penalties
8 for returning the ballot if they were not, in fact,
9 an authorized caregiver?

10 A I don't know about the word authorize.

11 Q Well, presumably the law has, you know,
12 something in mind when it -- you either are a
13 caregiver under the law or you're not. So is there
14 any -- how would they know whether they were a
15 caregiver or not, I guess is my question.

16 MR. FIELD: Object to form.

17 THE WITNESS: I think it's a
18 determination that they have to make
19 given their situation.

20 BY MR. DIMMICK:

21 Q And there's no guidance that you're aware
22 of on, for example, whether the definition caregiver
23 would include clerical or administrative staff of a
24 nursing home?

25 A Could you be more specific about -- I

1 mean, I don't think I could agree there's no guidance
2 on that, but could you be more specific?

3 Q What guidance would you identify -- say
4 if -- let's say the activities director of a nursing
5 home wanted to know whether they qualified as a
6 caregiver. What guidance would be available to them?

7 A Well, I mean, they could Google it and
8 see, like, hey, what -- how was this sort of defined.
9 That's what I do a lot when I have a question.

10 Q But there's no guidance from your office
11 or from the SEB, correct?

12 A Correct.

13 (Plaintiffs' (Germany) Deposition
14 Exhibit No. 441 was marked for the
15 record.)

16 MR. DIMMICK: Could we introduce
17 this one. I'll introduce what I think is
18 Exhibit 441, which is an e-mail from
19 Jesse Harris dated April 11th, 2022. For
20 the record, this is CVR00201677.

21 And I'll let you take a look at
22 this e-mail for a second.

23 MR. FIELD: Could you say that
24 Bates number again?

25 MR. DIMMICK: CVR00201677.

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1 A I see that it says that.

2 Q Okay. So it appears that she's concerned
3 about facility residents without family members
4 being -- being disenfranchised, correct?

5 MR. FIELD: Object to form.

6 THE WITNESS: It says -- I mean, I
7 can't say what it said other than -- I
8 can't really characterize other than what
9 it says.

10 BY MR. DIMMICK:

11 Q And the response from Jesse Harris states
12 that, quote: Only a caregiver can assist electors or
13 handle the voter's ballot.

14 Correct?

15 A That's what that says.

16 Q That's the response from Jesse Harris,
17 correct?

18 A Correct.

19 Q This response does not provide any
20 definition of what it means to be a caregiver,
21 correct?

22 A Correct.

23 Q And it does not indicate whether or not
24 Ms. Cowart, as director of social services, would
25 qualify as a caregiver, correct?

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1 A Correct.

2 Q And the response doesn't offer any other
3 suggestions about how these residents might be able
4 to vote, correct?

5 A The response, it says -- it says what you
6 read.

7 Q Okay. Do you know how this answer would
8 have been communicated to Ms. Cowart -- to the folks
9 who made the original inquiry?

10 A No.

11 Q And you're not aware of this -- this
12 incident?

13 A No.

14 Q So you don't know what follow-up might
15 have been made?

16 A I don't know. I will say that, like,
17 that's not exactly right. A caregiver can return a
18 voted ballot. And that was in the law prior to SB
19 202. That was not an SB 202 change.

20 And then from an assistance perspective,
21 anyone can assist a voter who is entitled to
22 assistance, other than their employer, union rep or,
23 basically, a candidate on the ballot. Sometimes, you
24 know, the two, because kind of the assistance and --
25 assistance is a little -- only kind of -- a certain

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1 THE VIDEOGRAPHER: The time is
2 4:01 p.m., and we are off the record.

3 (Brief pause.)

4 THE VIDEOGRAPHER: The time is
5 4:11 p.m., and we are back on the record.

6 BY MR. DIMMICK:

7 Q I just have one final clean-up question,
8 Mr. Germany.

9 Are you aware of whether counties
10 themselves receive Federal funding for HAVA?

11 A I think that it goes through the State
12 and then they receive it. The grants that we talked
13 about earlier.

14 Q Okay. And do you know whether there are
15 any other -- no, I won't ask that.

16 MR. DIMMICK: I think that's all
17 that I have. I think Georgia NAACP is
18 next, on Zoom.

19 EXAMINATION

20 BY MR. OXFORD:

21 Q Good afternoon, Mr. Germany. My Name is
22 Neil Oxford. I represent the Georgia NAACP
23 Plaintiffs.

24 How are your energy levels?

25 A Fine.

EXHIBIT 10

EXHIBIT 19 4 LORI WURTZ 30(b)(6) March 09, 2023 IN RE GEORGIA SENATE BILL 202 1
 THE NORTHERN DISTRICT OF GEORGIA 30(b)(6) DEPOSITION OF 1

ATLANTA DIVISION 4 5 6 IN RE GEORGIA SENATE BILL 202 Master Case No. 1:21-MI-55555-JPB 7 8 9 10 11
 30(B)(6) DEPOSITION OF 12 HALL COUNTY BOARD OF ELECTIONS AND REGISTRATION 13
 (LORI WURTZ) 14 March 9, 2023 15 9:35 a.m. 16 2875
 Browns Bridge Road 17 Gainesville, Georgia 30504 18 19 20 21 Marcella Daughtry,
 RPR, RMR 22 Georgia License No. 6595-1471-3597-5424 California CSR No. 14315 23
 24 25 800.211.DEPO (3376) EsquireSolutions.com 4 LORI WURTZ 30(b)(6) March 09, 2023 IN RE GEORGIA
 SENATE BILL 202 65 1 A After the polls close, the ballots are brought 2 back to our office, and they are
 researched. And we pull 3 the -- we have to duplicate a ballot so that we can 4 duplicate it on their correct
 ballot so that the 5 ballot-by-precinct count will be accurate. And it's no 6 different than the rest of the
 process. 7 Q Okay. And has that process changed since S.B. 8 202? 9 A No. 10 Q If the
 out-of-precinct ballot provisions of 11 S.B. 202 were to be changed back to the rules as they 12 were in 2020,
 would your office have to undertake any 13 changes to adapt to that? 14 A No. We -- we would process
 more provisional 15 ballots, most likely as a result of that, but other than 16 that, no. 17 Q Talking about
 drop boxes now. When did Hall 18 County first decide to use drop boxes? 19 A In 2020. 20 Q
 Who made that decision? 21 A The board. 22 Q Okay. Why did your office and the board decide
 23 to start using drop boxes? 24 A The pandemic. It made it a lot harder for 25 voters to get out and
 come inside a building to vote. 800.211.DEPO (3376) EsquireSolutions.com YVer1f 4 LORI WURTZ 30(b)(6)
 March 09, 2023 IN RE GEORGIA SENATE BILL 202 66 1 Q So there was a benefit to having drop boxes
 2 available outdoors so people could access them without 3 going inside? 4 A Yes. 5 Q Were
 there other benefits to voters for using 6 drop boxes? 7 A I imagine. They -- they wanted the
 convenience 8 of being able to drive by and deposit their ballot. 9 Q So again, to drive up and drop it off
 was a 10 convenience for voters? 11 A Uh-huh. 12 MS. BLOODWORTH: Make sure you say yes
 or no. 13 THE WITNESS: Yes. 14 Q BY MR. DIMMICK: Who in your office has 15 responsibility
 for setting up and maintaining drop boxes? 16 A Myself and the elections manager. 17 Q How many
 drop boxes did Hall County operate in 18 2020? 19 A We started with one, and then we had one that 20
 was given to us, so we had two. And we still have two, 21 only use one. 22 Q So you operated at first
 one and then two 23 during the 2020 election cycle? 24 A Yes. 25 Q And how many do you
 currently operate? 800.211.DEPO (3376) EsquireSolutions.com YVer1f 4 LORI WURTZ 30(b)(6) March 09,
 2023 IN RE GEORGIA SENATE BILL 202 68 1 A No. 2 Q They were available 24/7, correct? 3
 A Yes. 4 Q And currently, when are they available -- when 5 is it available? 6 A Only when
 early voting hours are open, when 7 early voting is taking place. 8 Q Okay. And voters in 2020 could
 drive up and 9 drop off their ballot from the car, correct? 10 A Yes. 11 Q And they cannot do that
 now, correct? 12 A Yes. 13 Q Whose responsibility is it to collect ballots 14 from drop boxes? 15
 A We have a team that is headed up by our 16 absentee ballot coordinator, and so she and two other 17
 staff members collect that. 18 Q Okay. And then what happens to the ballots 19 deposited in the drop
 box? 20 A They are brought downstairs and recounted and 21 handed off to the third person, and then
 they go into the 22 stream of ballots that are being processed. 23 Q Are they kept separate from other
 ballots or do 24 they just go into the regular stream? 25 A They go into the process. 800.211.DEPO
 (3376) EsquireSolutions.com YVer1f 4 LORI WURTZ 30(b)(6) March 09, 2023 IN RE GEORGIA SENATE BILL
 202 69 1 Q Okay. Do you keep track of the number of 2 ballots that are collected from drop boxes? 3
 A We do on our form that we complete when we 4 remove ballots from the box. 5 Q Okay. Okay.
 But then once they are collected, 6 they just go into the regular stream, and you can't tell 7 where any
 particular ballot was dropped off? 8 A Yes. 9 Q How often do you collect ballots from drop 10
 boxes -- the drop box? 11 A A minimum of two times a day, but often, more 12 than two times a day. 13
 Q Has that timeline changed or was there a 14 different timeline before S.B. 202? 15 A No. 16
 Q Did Hall County or did your office have any 17 concerns about the security of drop boxes as they were 18
 implemented in 2020? 19 A No. 20 Q Did your office have any concerns about the 21 integrity of
 ballots dropped off in drop boxes in 2020? 22 A No. 23 Q Did your office or the board receive any
 24 feedback from citizens on the availability of drop boxes 25 in 2020? 800.211.DEPO (3376)
 EsquireSolutions.com YVer1f 4 LORI WURTZ 30(b)(6) March 09, 2023 IN RE GEORGIA SENATE BILL 202 70
 1 A They liked it. We just randomly heard that 2 We didn't have any official feedback. 3 Q But
 you received positive reactions 4 A Yes. 5 Q from voters? 6 A Has your office or the
 board received any 7 reaction from the public to the changes made by S.B. 202 8 and the reduced
 availability of drop boxes? 9 A The only thing, to my knowledge, sometimes as 10 the voter is walking to
 the drop box, they will, you 11 know, make a comment that they at least got to see our 12 pretty faces as they
 come in to drop the ballot, but they 13 didn't get to drive it through. Some of them are a 14 little bit sour about
 it, but they've not really made a 15 big fuss. 16 Q Yeah. But some people have expressed that they 17
 would have preferred to be able to drop it off outside? 18 A That is correct, yes. 19 (Deposition
 Exhibit 9 was marked for 20 identification.) 21 Q BY MR. DIMMICK: Do you recognize this 22
 document? 23 A Yes. 24 Q And it's an e-mail to you, correct? 25 A Yes. 800.211.DEPO
 (3376) EsquireSolutions.com YVer1f 4 LORI WURTZ 30(b)(6) March 09, 2023 IN RE GEORGIA SENATE BILL
 202 76 1 Q Okay. 2 A I don't. 3 Q Would you say it's less than a week after the 4 date of
 the general election? 5 A Definitely. 6 Q Okay. 7 A There's a process that where we have to
 go 8 through and submit everything, receive it back, proofread 9 everything, submit 10
 the ballot 11 builder, the ballot printers. There are a lot of steps 12 involved in that, where
 to conduct a 13 runoff in four weeks. But definitely, yes, more than a 14 week. 15 Q And how long
 does the logic and accuracy 16 testing take? 17 A Weeks. It takes weeks. 18 Q Okay. So you
 had said that the time frame of 19 the runoff is a problem. Can you sort of describe why 20 that is a problem

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ORF WURTZ 30(b)(6) March 09, 2023 IN RE GEORGIA SENATE BILL 202 132 1
WURTZ 30(b)(6) March 09, 2023 IN RE GEORGIA SENATE BILL 202 132 1
IN RE GEORGIA SENATE BILL 202 132 1
A: Possibly, yes.
Q: Are you aware of any studies or reports about the likely or actual impact of S.B. 202 on voters with disabilities? A: Not that I recall. Q: Okay. Do you have an understanding of how S.B. 202 impacts voters with disabilities? A: I think so. Q: What would that understanding be? A: That they can no longer drive through and drop their ballot in a drive-thru drop box. They can still vote an absentee by mail and have their relative or caregiver deliver it for them to our office or mail it. Q: Anything else? A: Not specifically, no. Q: Okay. Would you agree that some people with disabilities would benefit in having access to food and water while waiting in a line at a polling place? MS. LaROSS: Objection as to form. MS. BLOODWORTH: Objection as to form. THE WITNESS: Possibly. Q: BY MR. DIMMICK: And would you agree that some people with disabilities have to duplicate a ballot at home, which they can't do, and then come to our office to vote? A: Yes. Q: BY MR. DIMMICK: Does your office have the authority to waive the rules about out-of-precinct voting on election day as a reasonable modification for a voter with a disability? MS. LaROSS: Objection as to form. THE WITNESS: Not to my knowledge. Q: BY MR. DIMMICK: Okay. Do you know whether there are any groups, either minority voters or voters with disabilities, that are more likely to use drop boxes? A: No idea. Q: Would you agree that voters with disabilities benefit from the wider availability of drop boxes? MS. LaROSS: Objection as to form. MS. BLOODWORTH: Form. THE WITNESS: Possibly.

A No.

Q If the out-of-precinct ballot provisions of S.B. 202 were to be changed back to the rules as they were in 2020, would your office have to undertake any changes to adapt to that?

A No. We -- we would process more provisional ballots, most likely as a result of that, but other than that, no.

Q Talking about drop boxes now. When did Hall County first decide to use drop boxes?

A In 2020.

Q Who made that decision?

A The board.

Q Okay. Why did your office and the board decide to start using drop boxes?

A The pandemic. It made it a lot harder for voters to get out and come inside a building to vote.

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IN RE GEORGIA SENATE BILL 202

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1 Q So there was a benefit to having drop boxes
2 available outdoors so people could access them without
3 going inside?

4 A Yes.

5 Q Were there other benefits to voters for using
6 drop boxes?

7 A I imagine. They -- they wanted the convenience
8 of being able to drive by and deposit their ballot.

9 Q So again, to drive up and drop it off was a
10 convenience for voters?

11 A Uh-huh.

12 MS. BLOODWORTH: Make sure you say yes or no.

13 THE WITNESS: Yes.

14 Q BY MR. DIMMICK: Who in your office has
15 responsibility for setting up and maintaining drop boxes?

16 A Myself and the elections manager.

17 Q How many drop boxes did Hall County operate in
18 2020?

19 A We started with one, and then we had one that
20 was given to us, so we had two. And we still have two,
21 only use one.

22 Q So you operated at first one and then two
23 during the 2020 election cycle?

24 A Yes.

25 Q And how many do you currently operate?

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IN RE GEORGIA SENATE BILL 202

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1 A No.

2 Q They were available 24/7, correct?

3 A Yes.

4 Q And currently, when are they available -- when
5 is it available?

6 A Only when early voting hours are open, when
7 early voting is taking place.

8 Q Okay. And voters in 2020 could drive up and
9 drop off their ballot from the car, correct?

10 A Yes.

11 Q And they cannot do that now, correct?

12 A Yes.

13 Q Whose responsibility is it to collect ballots
14 from drop boxes?

15 A We have a team that is headed up by our
16 absentee ballot coordinator, and so she and two other
17 staff members collect that.

18 Q Okay. And then what happens to the ballots
19 deposited in the drop box?

20 A They are brought downstairs and recounted and
21 handed off to the third person, and then they go into the
22 stream of ballots that are being processed.

23 Q Are they kept separate from other ballots or do
24 they just go into the regular stream?

25 A They go into the process.

LORI WURTZ 30(b)(6)
IN RE GEORGIA SENATE BILL 202

March 09, 2023
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1 Q Okay. Do you keep track of the number of
2 ballots that are collected from drop boxes?

3 A We do on our form that we complete when we
4 remove ballots from the box.

5 Q Okay. Okay. But then once they are collected,
6 they just go into the regular stream, and you can't tell
7 where any particular ballot was dropped off?

8 A Yes.

9 Q How often do you collect ballots from drop
10 boxes -- the drop box?

11 A A minimum of two times a day, but often, more
12 than two times a day.

13 Q Has that timeline changed or was there a
14 different timeline before S.B. 202?

15 A No.

16 Q Did Hall County or did your office have any
17 concerns about the security of drop boxes as they were
18 implemented in 2020?

19 A No.

20 Q Did your office have any concerns about the
21 integrity of ballots dropped off in drop boxes in 2020?

22 A No.

23 Q Did your office or the board receive any
24 feedback from citizens on the availability of drop boxes
25 in 2020?

LORI WURTZ 30(b)(6)
IN RE GEORGIA SENATE BILL 202

March 09, 2023

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1 A They liked it. We just randomly heard that.
2 We didn't have any official feedback.

3 Q But you received positive reactions --

4 A Yes.

5 Q -- from voters?

6 Has your office or the board received any
7 reaction from the public to the changes made by S.B. 202
8 and the reduced availability of drop boxes?

9 A The only thing, to my knowledge, sometimes as
10 the voter is walking to the drop box, they will, you
11 know, make a comment that they at least got to see our
12 pretty faces as they come in to drop the ballot, but they
13 didn't get to drive it through. Some of them are a
14 little bit sour about it, but they've not really made a
15 big fuss.

16 Q Yeah. But some people have expressed that they
17 would have preferred to be able to drop it off outside?

18 A That is correct, yes.

19 (Deposition Exhibit 9 was marked for
20 identification.)

21 Q BY MR. DIMMICK: Do you recognize this
22 document?

23 A Yes.

24 Q And it's an e-mail to you, correct?

25 A Yes.

LORI WURTZ 30(b)(6)
IN RE GEORGIA SENATE BILL 202

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1 Q Okay.

2 A I don't.

3 Q Would you say it's less than a week after the
4 date of the general election?

5 A Definitely.

6 Q Okay.

7 A There's a process that where we have to go
8 through and submit everything, receive it back; proofread
9 everything, submit that back. It has to go to the ballot
10 builder, the ballot printer. There are a lot of steps
11 involved in that, which makes it really hard to conduct a
12 runoff in four weeks. But definitely, yes, more than a
13 week.

14 Q And how long does the logic and accuracy
15 testing take?

16 A Weeks. It takes weeks.

17 Q Okay. So you had said that the time frame of
18 the runoff is a problem. Can you sort of describe why
19 that is a problem now with the shortened time frame?

20 A By the time we get the information that we need
21 on our ballot proofed to be able to begin L&A testing, we
22 could be here working night and day just to make the
23 cutoff that we have to make to vote, have an election
24 ready in four weeks. There are no shortcuts.

25 Q Yeah. Yeah. So it's, you know, you are having

LORI WURTZ 30(b)(6)
IN RE GEORGIA SENATE BILL 202

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1 for some people with disabilities, an absentee by mail
2 ballot is the only accessible means of being able to
3 vote?

4 A Possibly, yes.

5 Q Are you aware of any studies or reports about
6 the likely or actual impact of S.B. 202 on voters with
7 disabilities?

8 A Not that I recall.

9 Q Okay. Do you have an understanding of how S.B.
10 202 impacts voters with disabilities?

11 A I think so.

12 Q What would that understanding be?

13 A That they can no longer drive through and drop
14 their ballot in a drive-thru drop box. They can still
15 vote an absentee by mail and have their relative or
16 caregiver deliver it for them to our office or mail it.

17 Q Anything else?

18 A Not specifically, no.

19 Q Okay. Would you agree that some people with
20 disabilities would benefit in having access to food and
21 water while waiting in a line at a polling place?

22 MS. LaROSS: Objection as to form.

23 MS. BLOODWORTH: Objection as to form.

24 THE WITNESS: Possibly.

25 Q BY MR. DIMMICK: And would you agree that some

1 canceled.

2 But voters in Hall County are aware that there
3 are many opportunities for voting, and I can't imagine
4 that that circumstance would happen. I'm not sure how I
5 would handle it if it did, and I think I would start with
6 a phone call to the Secretary of State's Office.

7 Q BY MR. DIMMICK: Does your office have the
8 authority to waive the rules about out-of-precinct voting
9 on election day as a reasonable modification for a voter
10 with a disability?

11 MS. LaROSS: Objection as to form.

12 THE WITNESS: Not to my knowledge.

13 Q BY MR. DIMMICK: Okay. Do you know whether
14 there are any groups, either minority voters or voters
15 with disabilities, that are more likely to use drop
16 boxes?

17 A No idea.

18 Q Would you agree that voters with disabilities
19 benefit from the wider availability of drop boxes?

20 MS. LaROSS: Objection as to form.

21 MS. BLOODWORTH: Form.

22 THE WITNESS: Possibly.

23 Q BY MR. DIMMICK: Would there be any reasonable
24 modification that would be available for a voter who was
25 unable to access a drop box because it's located inside?

LORI WURTZ 30(b)(6)
IN RE GEORGIA SENATE BILL 202

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1 A If at all possible, we would make reasonable
2 accommodations for that, and we have.

3 Q Okay. How would you do that?

4 A We would -- the same instance I discussed
5 before, where we went up and got the ballot, retrieved
6 the ballot from the voter.

7 Q Okay. So you could -- so you cannot move a
8 drop box to accommodate a person with a disability,
9 correct?

10 A If we had a location that we knew that it would
11 accommodate everyone equally, then I guess. I don't know
12 that there would be a location at this building other
13 than where we use it now.

14 Q Yeah, but you couldn't -- for example, you
15 couldn't move it outside?

16 A We cannot move it outside.

17 Q Okay. But you could go out to a voter and
18 retrieve a ballot from them?

19 A Yes.

20 Q Would you agree that locating drop boxes
21 indoors, inside, for example, an election office, would
22 pose some additional barriers for some voters with
23 disabilities?

24 MS. LaROSS: Objection as to form.

25 MS. BLOODWORTH: Objection as to form.

LORI WURTZ 30(b)(6)
IN RE GEORGIA SENATE BILL 202

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1 THE WITNESS: Possibly.

2 Q BY MR. DIMMICK: And you are aware of at least
3 one instance where the voter was not able to access the
4 drop box indoors and you had to go out and retrieve it,
5 correct?

6 A That is correct.

7 Q Would you agree that some people with
8 disabilities need assistance in completing or turning in
9 an absentee ballot, application or ballot?

10 A Yes.

11 Q Would you agree that people who are not able to
12 drive may need assistance in returning a ballot?

13 A Yes.

14 Q Would you agree that people with mobility
15 impairments who have difficulty reaching or using a
16 mailbox or a drop box may need assistance in returning
17 the ballot?

18 A Yes.

19 Q Do you know whether people who live in group
20 facilities, like nursing homes, rely on assistance from
21 others to return their ballots?

22 A Sometimes they do, yes.

23 Q Okay. So would you agree that voters in
24 nursing homes, for example, would often rely on nursing
25 home staff to return the ballots?

LORI WURTZ 30(b)(6)
IN RE GEORGIA SENATE BILL 202

March 09, 2023
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1 they are a family member or caregiver?

2 A Yes.

3 Q Do you know what it means to be a caregiver
4 under that statute?

5 A I believe so.

6 Q What is your understanding?

7 A Someone that helps the voter with their daily
8 activities.

9 Q Okay. Do you know whether there is a
10 definition of caregiver anywhere?

11 A I'm not aware of it.

12 Q Do you know if there is any public information
13 available to tell people who counts as a caregiver?

14 A I do not.

15 Q Do you know whether the term "caregiver" would
16 include staff in nursing homes, for example?

17 A I'm not sure. I would think so.

18 Q Do you think it would extend to, for example,
19 clerical and administrative staff, like an activities
20 director in a nursing home?

21 A Well, not clerical or administrative staff, I
22 wouldn't think. But I'm unclear. I'm not sure.

23 Q So you wouldn't think it would apply to
24 administrative staff?

25 A I would not.

1 elector may receive assistance in preparing his or her
2 ballot."

3 Is this your understanding of the applicable
4 section of law that pertains to absentee ballot
5 assistance with people with disabilities?

6 A Yes.

7 Q Okay. Do you know if there are any other
8 sections that define who can receive assistance?

9 A I don't know of any off the top of my head. I
10 can't -- I can't think of any.

11 Q Okay. Is it your understanding that only
12 people who are physically disabled or illiterate may
13 receive assistance in preparing an absentee ballot?

14 A Yes.

15 Q Okay. So would it be your understanding that a
16 voter with a mental illness or developmental disability
17 would not be eligible to receive assistance?

18 A I'm not sure.

19 Q Okay. Do you have an understanding of what the
20 term "preparing a ballot" means?

21 A Preparing?

22 Q Preparing a ballot.

23 A Preparing a ballot?

24 Q Yes.

25 A I believe so.

EXHIBIT 11

NANCY GAY
IN RE: GEORGIA SENATE BILL 202

March 23, 2023
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1 THE WITNESS: I have no idea.

2 BY MS. MAY:

3 Q. Okay.

4 Do you understand the definition of
5 caregiver in this?

6 A. I like to think I do.

7 Q. Okay. How do you define caregiver?

8 A. Somebody who assists somebody with their
9 daily functions.

10 Q. Okay. Do you know if caregiver is defined
11 anywhere?

12 A. I'm sure it is, but I -- but I have no
13 idea.

14 Q. Okay.

15 Have you received any guidance from the
16 state about what a caregiver is?

17 A. I can't recall anything. I don't know.

18 Q. Okay.

19 Do you think it would include, let's say,
20 a -- a secretary in a nursing home?

21 A. No.

22 Q. Okay.

23 What about other administrative staff,
24 like an activity instructor?

25 A. I have no idea.

EXHIBIT 12

EXHIBIT 12 In the Matter Of: IN RE GEORGIA SENATE BILL 202 1:21-MI-55555-JPB KEISHA SMITH April 05, 2023 KEISHA SMITH April 05, 2023 IN RE GEORGIA SENATE BILL 202 226 1:21-MI-55555-JPB A: Uh-huh. 2: Q: Are you familiar with those pro- 3: visions? 4: A: Yes. 5: Q: I'm going to refer to this pro- 6: vision as "third-party ballot returns." 7: Is that okay? 8: A: Yes. 9: Q: What do you understand the defini- 10: tion of "caregiver" to be in the context of 11: assisting voters in returning ballots? 12: A: Yes. So that -- in my, you know, 13: research and, you know, study of the law and 14: Code and guidance since I've been here, I've 15: seen -- I don't know that I -- if there's one 16: definition, you know, that's -- that I've -- 17: I've seen used across, you know, the various 18: rules and regulations; but, when it's, you 19: know, listed -- I mean, when it -- when you 20: look at, you know, applications and guidance 21: and things, there are family members, you 22: know, that are listed; and I would consider, 23: you know, caregivers to be inclusive of, you 800.211.DEPO (3376) EsquireSolutions.comYVer1f KEISHA SMITH April 05, 2023 IN RE GEORGIA SENATE BILL 202 227 1: know, family members. 2: Q: Is "caregiver" defined anywhere in 3: the statute? 4: A: I don't recall seeing a definition 5: for that but I don't -- I can't recall at 6: this moment. 7: Q: Are you aware of any public infor- 8: mation defining "caregivers" as it relates to 9: the third-party ballot returns? 10: A: As it relates to who can return a 11: ballot for a voter? 12: Q: As in who's defined as a care- 13: giver. 14: A: I know that there is a, you know, 15: again, types of family -- you know, the type 16: of family member that's identified but I do 17: not know that -- you know, like mom, dad; but 18: those -- but I don't know that I can recall a 19: definition of "a caregiver," no. I don't -- 20: I can't recall. So I'll have to say no, I -- 21: I'm not aware. 22: Q: Would you understand then a cleri- 23: cal or administrative staff in a nursing home 800.211.DEPO (3376) EsquireSolutions.comYVer1f KEISHA SMITH April 05, 2023 IN RE GEORGIA SENATE BILL 202 228 1: to be a caregiver? 2: A: So -- 3: Q: Sorry. 4: A: Go ahead. 5: Q: No. You go ahead. 6: A: Well, I have a background in pub- 7: lic health so my understanding of "caregiver" 8: may not be the same as someone else's. 9: So, in my experience, that could 10: be possible, yes. 11: Q: And what about a human resources 12: director? 13: A: That wouldn't -- a human resources 14: director of a facility? 15: Q: Yes. 16: A: I mean, that's -- legally, I mean, 17: so my understanding would be -- is that, you 18: know, that could be possible if -- you know, 19: if the -- that could be possible. 20: Q: And on what basis are you trying 21: to distinguish who would be a caregiver and 22: who wouldn't? 23: A: Right. So we would not -- we 800.211.DEPO (3376) EsquireSolutions.comYVer1f KEISHA SMITH April 05, 2023 IN RE GEORGIA SENATE BILL 202 229 1: don't want to have to determine who would be 2: a caregiver and who would not be a caregiver 3: if that -- if there was a situation where a 4: question -- you know, if there was a gray 5: area like that, we would consult our attorn- 6: eys on that. 7: Q: Thank you. Would you agree that 8: some people who need assistance will not be 9: able to easily attain it from a family member 10: or caregiver as you understand it? 11: MS. VANDER ELS: Object to the 12: form of the question. 13: A: I don't know. Yeah, I don't know. 14: Q: (By Mr. Campbell-Harris) If the 15: third-party ballot return penalty as stated 16: in SB 202 was lifted, would your office have 17: to undertake any changes to adopt that? 18: A: The training of staff, yes. The 19: training of, you know, staff on the -- you 20: know, the lift and the poll worker, you know, 21: anyone that was election -- working in -- in 22: during the election cycle. 23: Q: How long would that training take? 800.211.DEPO (3376) EsquireSolutions.comYVer1f



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KEISHA SMITH
IN RE GEORGIA SENATE BILL 202

April 05, 2023
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1 A. Uh-huh.

2 Q. Are you familiar with those pro-
3 visions?

4 A. Yes.

5 Q. I'm going to refer to this pro-
6 vision as "third-party ballot returns."

7 Is that okay?

8 A. Yes.

9 Q. What do you understand the defini-
10 tion of "caregiver" to be in the context of
11 assisting voters in returning ballots?

12 A. Yes. So that -- in my, you know,
13 research and, you know, study of the law and
14 Code and guidance since I've been here, I've
15 seen -- I don't know that I -- if there's one
16 definition, you know, that's -- that I've --
17 I've seen used across, you know, the various
18 rules and regulations; but, when it's, you
19 know, listed -- I mean, when it -- when you
20 look at, you know, applications and guidance
21 and things, there are family members, you
22 know, that are listed; and I would consider,
23 you know, caregivers to be inclusive of, you

KEISHA SMITH
IN RE GEORGIA SENATE BILL 202

April 05, 2023
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1 know, family members.

2 Q. Is "caregiver" defined anywhere in
3 the statute?

4 A. I don't recall seeing a definition
5 for that but I don't -- I can't recall at
6 this moment.

7 Q. Are you aware of any public infor-
8 mation defining "caregivers" as it relates to
9 the third-party ballot returns?

10 A. As it relates to who can return a
11 ballot for a voter?

12 Q. As in who's defined as a care-
13 giver.

14 A. I know that there is a, you know,
15 again, types of family -- you know, the type
16 of family member that's identified but I do
17 not know that -- you know, like mom, dad; but
18 those -- but I don't know that I can recall a
19 definition of "a caregiver," no. I don't --
20 I can't recall. So I'll have to say no, I --
21 I'm not aware.

22 Q. Would you understand then a cleri-
23 cal or administrative staff in a nursing home

KEISHA SMITH
IN RE GEORGIA SENATE BILL 202

April 05, 2023
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1 to be a caregiver?

2 A. So --

3 Q. Sorry.

4 A. Go ahead.

5 Q. No. You go ahead.

6 A. Well, I have a background in pub-
7 lic health so my understanding of "caregiver"
8 may not be the same as someone else's.

9 So, in my experience, that could
10 be possible, yes.

11 Q. And what about a human resources
12 director?

13 A. That wouldn't -- a human resources
14 director of a facility?

15 Q. Yes.

16 A. I mean, that's -- legally, I mean,
17 so my understanding would be -- is that, you
18 know, that could be possible if -- you know,
19 if the -- that could be possible.

20 Q. And on what basis are you trying
21 to distinguish who would be a caregiver and
22 who wouldn't?

23 A. Right. So we would not -- we

KEISHA SMITH
IN RE GEORGIA SENATE BILL 202

April 05, 2023
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1 don't want to have to determine who would be
2 a caregiver and who would not be a caregiver
3 if that -- if there was a situation where a
4 question -- you know, if there was a gray
5 area like that, we would consult our attorn-
6 eys on that.

7 Q. Thank you. Would you agree that
8 some people who need assistance will not be
9 able to easily attain it from a family member
10 or caregiver as you understand it?

11 MS. VANDER ELS: Object to the
12 form of the question.

13 A. I don't know. Yeah, I don't know.

14 Q. (By Mr. Campbell-Harris) If the
15 third-party ballot return penalty as stated
16 in SB 202 was lifted, would your office have
17 to undertake any changes to adopt that?

18 A. The training of staff, yes. The
19 training of, you know, staff on the -- you
20 know, the lift and the poll worker, you know,
21 anyone that was election -- working in -- in
22 during the election cycle.

23 Q. How long would that training take?

EXHIBIT 13

MARIE FRANCES WATSON

March 14, 2023

EXHIBIT 43 MARIE FRANCES WATSON March 14, 2023 GEORGIA SENATE BILL 202 1 1 1 IN THE
UNITED STATES DISTRICT COURT 202 2 3 4 IN

RE:) 5 GEORGIA SENATE BILL 202)
 1 6 Plaintiff,) vs.) Civil Action No. 7) 1:21-MI-55555-
 JPB) 8 Defendants)
 10 11 VIDEOTAPE DEPOSITION OF 12 MARIE FRANCES WATSON 13 14
 2 Tuesday, March 14, 2023, 9:34 a.m.(EST) 15 16 17 18 19 20 HELD AT: 21 Taylor English Duma
 LLP 22 1600 Parkwood Circle, Suite 200 23 Atlanta, Georgia 30339 24
 3 ----- 24 WANDA L. ROBINSON, CRR, CCR, No. B-1973 Certified Shorthand
 Reporter/Notary Public 25 800.211.DEPO (3376) EsquireSolutions.com
 4 2023 GEORGIA SENATE BILL 202 183 1 A Okay. 2 Q After the passage of SB 202, did you 3
 4 receive any complaints about caregivers assisting 4 individuals with their absentee ballots? 5 A Not
 that I recall. 6 Q Does your office have a definition for 7 what a caregiver is? 8 MS. LaROSS:
 5 Objection as to form. 9 A I don't know if there is a specific in the 10 code for caregiver. 11 Q And
 has the Secretary of State's Office 12 given your division any direction on what a 13 caregiver is? 14
 6 MS. LaROSS: Objection as to form. 15 A Not specifically that I recall. 16 Q Did your office -- in
 2020, prior to the 17 passage of SB 202, during the 2020 elections, did 18 your office receive any complaints
 7 about assistance 19 in nursing homes specifically? 20 A For 2020-21 Q Yes. 22 A I
 believe there was at least one. In 23 addition to that, I can't -- without reviewing, 24 I couldn't say. 25 Q
 Can you describe to me the details of that 800.211.DEPO (3376) EsquireSolutions.com YVer1f

Defendants.

VIDEOTAPE DEPOSITION OF

MARIE FRANCES WATSON

Tuesday, March 14, 2023, 9:34 a.m.(EST)

HELD AT:

Taylor English Duma LLP
 1600 Parkwood Circle, Suite 200
 Atlanta, Georgia 30339

 WANDA L. ROBINSON, CRR, CCR, No. B-1973
 Certified Shorthand Reporter/Notary Public

MARIE FRANCES WATSON
GEORGIA SENATE BILL 202

March 14, 2023
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1 A Okay.

2 Q After the passage of SB 202, did you
3 receive any complaints about caregivers assisting
4 individuals with their absentee ballots?

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7 what a caregiver is?

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10 code for caregiver.

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12 given your division any direction on what a
13 caregiver is?

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16 Q Did your office -- in 2020, prior to the
17 passage of SB 202, during the 2020 elections, did
18 your office receive any complaints about assistance
19 in nursing homes specifically?

20 A For 2020?

21 Q Yes.

22 A I believe there was at least one. In
23 addition to that, I can't -- without reviewing, I
24 couldn't say.

25 Q Can you describe to me the details of that

EXHIBIT 14A

Georgia Senate Bill 202, In Re

EXHIBIT 14A Suzanne Zan Thornton, 30b6 Georgia ADAPT February 20, 2023 Georgia Senate Bill 202, In Re
 Page 1 1 IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA 2
 ATLANTA DIVISION 3 IN RE GEORGIA SENATE BILL Master Case No: 4 202 1:21-MI-55555-JPB 5 6 RULE
 30(b)(6) VIDEO DEPOSITION OF GEORGIA ADAPT By Witness Suzanne "Zan" Thornton 7 Taken by Remote
 Conference and In-Person February 20, 2023 8 10:43 a.m. Taylor English Duma LLP 9 1600 Parkwood Circle
 Suite 200 10 Atlanta, Georgia 11 Valerie N. Almand, RPR, CRR, CRC David Ramirez, Legal Video Specialist 12

13 14 15 16 17 18 19 20 21 22 23 24 25 Veritext Legal Solutions 800.808.4958 770.343.9696 Suzanne Zan
 Thornton, 30b6 Georgia ADAPT February 20, 2023 Georgia Senate Bill 202, In Re Page 28 1 anything about
 2 who's running or who's there. 2 We're here to get you to the polls and make sure 3 that you have access. And
 4 that has to be 4 clarified, because we can't give food and drink 5 anymore, and the lines are -- are incredibly long
 6 in some places. 7 Also with the absentee ballots, before 8 S.B. they had the boxes outside so you could drop 9
 10 off your ballot inside. For example, Jessica in 10 Savannah, her parents work till 9 and she can't 11 get to the
 12 polls until her parents get home. They 12 have to pick her up, get her in the car, fold her 13 chair, take her down
 14 there, and after S.B. 202-14 it's impossible for her to go vote while her 15 parents are working. 16 Q. Did Jessica
 17 vote by using the absentee 17 ballot process? 18 A. She requested an absentee ballot but 19 didn't get it in time.
 20 Q. So then she went to go vote in person? 21 A. Yes. 22 Q. And y'all provided her a ride there? 23 A. Yes. 24
 25 Q. Was she able to vote? 25 A. Yes. Veritext Legal Solutions 800.808.4958 770.343.9696 Suzanne Zan
 Thornton, 30b6 Georgia ADAPT February 20, 2023 Georgia Senate Bill 202, In Re Page 89 1 A. (Indicating.) 2
 3 Q. Sure, let me try and rephrase it. Are 3 you aware of any statutory provision prior to 4 S.B. 202 that required a
 5 County to provide a drop 5 box? 6 A. I'm not a lawyer, I don't know that 7 answer. I do know that from my
 8 experience like in 8 Savannah, a lot of disabled people complained 9 because -- after 202, but prior to 202 they
 10 could 10 drop it off at any time. And so their parents 11 could drop it off for them or a friend could drop 12 it off for
 13 them. 13 But after 202 you can't do that, but 14 that's how they felt and that's how we feel. I'm 15 not a lawyer.
 16 Like I said, I've been arrested 16 before, but I don't want to be arrested and lose 17 the chance to vote or have
 18 somebody lose the 18 chance to vote because of me. 19 Q. No, and I understand that. You said that 20 before. I
 21 know that there were drop boxes 21 specifically in 2020 because of the pandemic, 22 everything was different in
 23 2020. Prior to that 23 were there any requirements that you're aware 24 of -- understanding that there might have
 25 been, 25 you're unaware of it, or however, that would Veritext Legal Solutions 800.808.4958 770.343.9696
 Suzanne Zan Thornton, 30b6 Georgia ADAPT February 20, 2023 Georgia Senate Bill 202, In Re Page 108 1 Q.
 2 Yes. I'm trying to eliminate the 2 pandemic year, and we're talking before S.B. 202. 3 A. We learned about the
 4 locations when we 4 dropped the people off, or got the call for them. 5 I do not know locations right off the top,
 6 no. 6 Q. Currently under S.B. 202 there's a drop 7 box in each early voting location plus the 8 supervising
 9 election office; is that right? 9 A. I don't know. 10 Q. Are you aware of any drop boxes outside 11 of early voting
 12 locations? 12 A. No. 13 Q. Have you had any members being unable to 14 return an absentee ballot because
 15 they didn't have 15 access to a drop box? 16 A. Yes. 17 Q. How many folks have told you they did not 18 return
 19 their absentee ballot because they could 19 not get to a drop box? 20 A. More than five. 21 Q. What reasons did
 22 they have for being 22 unable to return the ballot? 23 A. The boxes weren't available in the 24 primary because
 25 they didn't get there, and we 25 couldn't reach the boxes. For example, Memorial Veritext Legal Solutions
 800.808.4958 770.343.9696 Suzanne Zan Thornton, 30b6 Georgia ADAPT February 20, 2023 Georgia Senate
 Bill 202, In Re Page 109 1 Drive, they didn't know that they didn't have to 2 wait in line. 3 Q. Now, the height of
 4 the drop box is such 4 that a voter is unable to reach it to insert it, 5 can they hand it to a poll worker? 6 A. From
 7 what I saw, no. The polls were 7 under -- there was not enough poll workers to do 8 such. 9 Q. Did you see a poll
 10 worker refuse to 10 accept an absentee ballot from a voter? 11 A. No. 12 Q. Did you have any member tell you
 13 that 13 it's because of a lack of a drop box they were 14 unable to actually mail their ballot back? 15 A. Yes. 16
 17 Q. How often -- why were they unable to mail 17 their ballot? 18 A. Time constraints. 19 Q. Do you know why
 20 they had time 20 constraints? 21 A. Post office couldn't get their ballot in 22 quick enough. 23 Q. Do you know
 24 why there was a delay in the 24 attempt to return the ballot? 25 A. Post office, they couldn't get to the Veritext
 Legal Solutions 800.808.4958 770.343.9696 Suzanne Zan Thornton, 30b6 Georgia ADAPT February 20, 2023
 Georgia Senate Bill 202, In Re Page 110 1 post office, they couldn't take it from their 2 mailbox and ensure that it
 3 would make it to the 3 county office in time. 4 Q. Were there any circumstances that you're 5 aware that
 6 prevented them from mailing it earlier? 6 A. From my understanding, they wanted to 7 drop it off and they
 8 couldn't get a ride to drop 8 it off, and by the time it became too close to 9 mail it. It's difficult for disabled people
 10 to 10 get rides. 11 Q. Section 5 under section F of the first 12 amended complaint on page 94 deals with section
 13 28, runoff early voting restrictions. We talked 14 earlier about the runoff being closer to the 15 general election
 16 so there's less time between the 16 general and the runoff, correct? 17 A. Correct. We talked about the time is 18
 19 really fast, yes. 19 Q. Okay. Other than the difficulty in 20 arranging and helping people get to the vote in a 21
 22 shorter time period, any other impacts that you 22 have seen on ADAPT members from the change in the 23
 24 timing of a runoff election? 24 A. Confusion, like DeKalb County had voting 25 after I think Thanksgiving but they
 26 had to take a Veritext Legal Solutions 800.808.4958 770.343.9696 Suzanne Zan Thornton, 30b6 Georgia ADAPT
 February 20, 2023 Georgia Senate Bill 202, In Re Page 113 1 or return if not a family member or caregiver. 2
 3 You mentioned to me earlier that one of 3 the things that y'all had done prior to S.B. 202 4 is driving the voter to a
 5 drop box, you might 5 assist them by actually putting it into a box for 6 them. But you didn't harvest or collect
 7 them from 7 anyplace and drive it. 8 A. Correct. 9 Q. Any other changes that ADAPT has done to 10 comply with
 11 this provision of S.B. 202? 11 A. We don't touch them. I'm scared. We 12 tend to refer people out. 13 Q. So
 14 under S.B. 202 when you drive the 14 voter to the drop box or to the polling place, 15 they have to physically
 16 take it in and put it in 16 the box. 17 A. Correct. 18 Q. Section 9.a. or topic 9.a. on Exhibit 1-19 references. The
 19 specific steps the organization 20 has taken to address those provisions and 21 protocols it advocates are
 22 unconstitutional or 22 violate federal law in its involvement in this 23 action and the process by which these steps
 24 were 24 determined. And then b. is very similar. It 25 says, The specific steps the organization took to Veritext
 Legal Solutions 800.808.4958 770.343.9696

1 anything about who's running or who's there.
2 We're here to get you to the polls and make sure
3 that you have access. And that has to be
4 clarified, because we can't give food and drink
5 anymore, and the lines are -- are incredibly long
6 in some places.

7 Also with the absentee ballots, before
8 S.B. they had the boxes outside so you could drop
9 off your ballot inside. For example, Jessica in
10 Savannah, her parents work till 9 and she can't
11 get to the polls until her parents get home. They
12 have to pick her up, get her in the car, fold her
13 chair, take her down there, and after S.B. 202
14 it's impossible for her to go vote while her
15 parents are working.

16 Q. Did Jessica vote by using the absentee
17 ballot process?

18 A. She requested an absentee ballot but
19 didn't get it in time.

20 Q. So then she went to go vote in person?

21 A. Yes.

22 Q. And y'all provided her a ride there?

23 A. Yes.

24 Q. Was she able to vote?

25 A. Yes.

1 A. (Indicating.)

2 Q. Sure, let me try and rephrase it. Are
3 you aware of any statutory provision prior to
4 S.B. 202 that required a County to provide a drop
5 box?

6 A. I'm not a lawyer, I don't know that
7 answer. I do know that from my experience like in
8 Savannah, a lot of disabled people complained
9 because -- after 202, but prior to 202 they could
10 drop it off at any time. And so their parents
11 could drop it off for them or a friend could drop
12 it off for them.

13 But after 202 you can't do that, but
14 that's how they felt and that's how we feel. I'm
15 not a lawyer. Like I said, I've been arrested
16 before, but I don't want to be arrested and lose
17 the chance to vote or have somebody lose the
18 chance to vote because of me.

19 Q. No, and I understand that. You said that
20 before. I know that there were drop boxes
21 specifically in 2020 because of the pandemic,
22 everything was different in 2020. Prior to that
23 were there any requirements that you're aware
24 of -- understanding that there might have been,
25 you're unaware of it, or however, that would

1 Q. Yes. I'm trying to eliminate the
2 pandemic year, and we're talking before S.B. 202.

3 A. We learned about the locations when we
4 dropped the people off, or got the call for them.
5 I do not know locations right off the top, no.

6 Q. Currently under S.B. 202 there's a drop
7 box in each early voting location plus the
8 supervising election office; is that right?

9 A. I don't know.

10 Q. Are you aware of any drop boxes outside
11 of early voting locations?

12 A. No.

13 Q. Have you had any members being unable to
14 return an absentee ballot because they didn't have
15 access to a drop box?

16 A. Yes.

17 Q. How many folks have told you they did not
18 return their absentee ballot because they could
19 not get to a drop box?

20 A. More than five.

21 Q. What reasons did they have for being
22 unable to return the ballot?

23 A. The boxes weren't available in the
24 primary because they didn't get there, and we
25 couldn't reach the boxes. For example, Memorial

1 Drive, they didn't know that they didn't have to
2 wait in line.

3 Q. Now, the height of the drop box is such
4 that a voter is unable to reach it to insert it,
5 can they hand it to a poll worker?

6 A. From what I saw, no. The polls were
7 under -- there was not enough poll workers to do
8 such.

9 Q. Did you see a poll worker refuse to
10 accept an absentee ballot from a voter?

11 A. No.

12 Q. Did you have any member tell you that
13 it's because of a lack of a drop box they were
14 unable to actually mail their ballot back?

15 A. Yes.

16 Q. How often -- why were they unable to mail
17 their ballot?

18 A. Time constraints.

19 Q. Do you know why they had time
20 constraints?

21 A. Post office couldn't get their ballot in
22 quick enough.

23 Q. Do you know why there was a delay in the
24 attempt to return the ballot?

25 A. Post office, they couldn't get to the

1 post office, they couldn't take it from their
2 mailbox and ensure that it would make it to the
3 county office in time.

4 Q. Were there any circumstances that you're
5 aware that prevented them from mailing it earlier?

6 A. From my understanding, they wanted to
7 drop it off and they couldn't get a ride to drop
8 it off, and by the time it became too close to
9 mail it. It's difficult for disabled people to
10 get rides.

11 Q. Section 5 under section F of the first
12 amended complaint on page 94 deals with section
13 28, runoff early voting restrictions. We talked
14 earlier about the runoff being closer to the
15 general election so there's less time between the
16 general and the runoff, correct?

17 A. Correct. We talked about the time is
18 really fast, yes.

19 Q. Okay. Other than the difficulty in
20 arranging and helping people get to the vote in a
21 shorter time period, any other impacts that you
22 have seen on ADAPT members from the change in the
23 timing of a runoff election?

24 A. Confusion, like DeKalb County had voting
25 after I think Thanksgiving but they had to take a

1 or return if not a family member or caregiver.

2 You mentioned to me earlier that one of
3 the things that y'all had done prior to S.B. 202
4 is driving the voter to a drop box, you might
5 assist them by actually putting it into a box for
6 them. But you didn't harvest or collect them from
7 anyplace and drive it.

8 A. Correct.

9 Q. Any other changes that ADAPT has done to
10 comply with this provision of S.B. 202?

11 A. We don't touch them. I'm scared. We
12 tend to refer people out.

13 Q. So under S.B. 202 when you drive the
14 voter to the drop box or to the polling place,
15 they have to physically take it in and put it in
16 the box.

17 A. Correct.

18 Q. Section 9.a. or topic 9.a. on Exhibit 1
19 references, The specific steps the organization
20 has taken to address those laws, policies, and
21 protocols it advocates are unconstitutional or
22 violate federal law in its involvement in this
23 action and the process by which these steps were
24 determined. And then b. is very similar. It
25 says, The specific steps the organization took to

EXHIBIT 14B

Georgia Senate Bill 202, In Re

EXHIBIT 14B 30(b)(6) Suzanne "Zan" Thornton February 22, 2023 Georgia Senate Bill 202, In Re Page 1 1 IN

THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA 2 ATLANTA

DIVISION 3 IN RE:) MASTER CASE NO.) 4 GEORGIA SENATE BILL 202) 1:21-MI-55555-JPB 5 6 7 8 9 10 1

VOLUME II 11 VIDEOTAPED DEPOSITION OF SUZANNE "ZAN" THORNTON 12 (Taken by State Defendants)

13 February 22, 2023 14 10:03 a.m. 15 16 17 18 19 20 21 22 23 24 25 Reported by: Debra M. Druzisky, CCR-B-

1 1848 Veritext Legal Solutions 800.808.4958 770.343.9696 30(b)(6) Suzanne "Zan" Thornton February 22, 2023

Georgia Senate Bill 202, In Re Page 10 1 S.B. 202 on Georgia ADAPT's ability to coordinate 2 with other

organizations in serving the disabled 3 community? 4 A. I don't know how to answer that really. 5 Specifics? 6 Q.

Well, have you -- have you found because 7 of George -- because of S.B. 202 that the 8 relationship between

Georgia ADAPT and one of its 9 other organizational partners has been negatively 10 impacted? 11 A. Yes. The

2 agencies that are in the state 12 want to avoid anything related to voting. They'll 13 do a G.O.T.T., Get Out the

Vote, but they don't 14 want anything to do with voting or taking people to 15 the polls. So it's -- it's a negative for

3 us. 16 Q. So other organizations have decided to not 17 provide rides to the polls? 18 A. Not support voting -- not

support, like, 19 paying for food and water or supporting voting 20 rides and stuff like that, absentee ballots, that

21 kind of stuff. 22 Q. And as we talked on Monday, the absentee 23 ballots would be driving the person with the

24 absentee ballot to the drop box to deposit the 25 ballot? Veritext Legal Solutions 800.808.4958 770.343.9696

4 30(b)(6) Suzanne "Zan" Thornton February 22, 2023 Georgia Senate Bill 202, In Re Page 11 1 A. Correct. 2 Q.

So -- 3 A. They don't want anything to do with it. 4 Q. Including donating to ADAPT to allow you 5 to provide the

5 increased number of rides we talked 6 about? 7 A. We have decreased funds in some of that 8 area, yes. 9 Q.

Any other direct impact on Georgia ADAPT 10 with its relationship with other organizations as a 11 result of S.B.

202? 12 A. The polling places, our -- our memberships 13 and some of the people that were part of our 14

6 coalition are hesitant to talk about it because 15 it's unclear to them, and it's very confusing to 16 me, but -- I'm

trying to give you a good example. 17 We know that poll workers, and maybe this 18 is off topic, poll -- poll

7 workers haven't -- have 19 been less and that the groups that were supporting 20 people to become poll workers

has decreased. 21 Q. And other groups in sponsoring or 22 supporting poll workers, that was an activity that 23

8 they did? 24 A. They did, yes. 25 Q. Did those other groups coordinate with Veritext Legal Solutions

800.808.4958 770.343.9696 30(b)(6) Suzanne "Zan" Thornton February 22, 2023 Georgia Senate Bill 202, In Re

9 Page 19 1 Q. Are you aware of anybody who was unable to 2 vote because a mobile voting unit wasn't available

3 to them in 2022? 4 A. I don't have an example in front of me, 5 but I've heard people say that, if they had the 6

10 mobile voting, they would have been able to vote 7 easier. And so some people missed voting because 8 there

was no accessible mobile voting. 9 Q. Is there any reason why they couldn't go 10 to an early voting polling

11 place? 11 A. Transportation is tough. If you use MARTA 12 Mobility, you have to plan ahead of time. And then 13

if you go to the wrong poll place, then you have to 14 reschedule it. So it's difficult to schedule 15 transportation

even in -- in Atlanta area. 16 Q. Anything that prevented them from using 17 absentee voting? 18 A. It's not

12 accessible to blind people. 19 Q. Are you aware of any blind person who was 20 unable to vote because there

wasn't a mobile voting 21 unit? 22 A. No. 23 Q. Do you know how many disabled voters used 24 the mobile

13 voting unit in Fulton County in 2020? 25 A. I do not know. Veritext Legal Solutions 800.808.4958 770.343.9696

30(b)(6) Suzanne "Zan" Thornton February 22, 2023 Georgia Senate Bill 202, In Re Page 33 1 legality of that. 2

14 Q. Has anyone informed you or are you aware 3 that drop boxes that were made available in 2020 4 were based

on an emergency authorization related to 5 the pandemic? 6 A. Actually, most people didn't know that. 7 Q. They

15 just saw the drop boxes happened to 8 be there and were able to -- 9 A. They saw the news they have -- they

have 10 drop boxes because of COVID. And disabled people 11 were very ecstatic to have a way to do it without

12 having to go in -- to go in. 13 Having the boxes outside was accessible to 14 them. Having the boxes inside,

16 you have to get out 15 of the car or -- or you know, somebody helps you. 16 But you've still got to get out of the

17 place, and that's where the ballot 20 box are after S.B. 202. 21 Q. How many of the drop boxes in 2020 were 22

drive-up drop boxes? 23 A. I don't know. 24 Q. We talked previously about the 28 days 25 provided for under

18 S.B. 202 between the general Veritext Legal Solutions 800.808.4958 770.343.9696 30(b)(6) Suzanne "Zan"

Thornton February 22, 2023 Georgia Senate Bill 202, In Re Page 34 1 election and a run-off. 2 Are you aware of

19 any of the ADAPT members 3 who were unable to vote because of the 28-day time 4 period? 5 A. Yes. 6 Q. And

how many people were unable to vote? 7 A. I don't have the data in front of me, but 8 more than ten. 9 Q. And

20 what prevented them from going to 10 early voting? 11 A. Work or the attendants, the personal 12 attendants on

the waivers. You have to schedule 13 your attendant to help you go places. And so not 14 being able to schedule

21 their attendants, not able 15 to have access to transportation, and not knowing 16 the law and the confusion in

the law did result in 17 that. 18 Q. And would the notes that you took from 19 folks record how many people

22 called and provided 20 that information? 21 A. Can you clarify? 22 Q. Sure. The notes that you made -- 23 A. Uh-

24 huh. 24 Q. -- to go with your summaries -- 25 A. Uh-huh. Veritext Legal Solutions 800.808.4958 770.343.9696

30(b)(6) Suzanne "Zan" Thornton February 22, 2023 Georgia Senate Bill 202, In Re Page 40 1 Q. -- them to

23 another place? 2 So they called an Uber, then, to take them 3 back home? 4 A. I assume so. 5 Q. Are you aware

of any ADAPT members who 6 were unable to vote because they didn't have a 7 family member or caregiver to

24 assist them with the 8 voting process? 9 A. Several. 10 Q. And why did they -- why were they unable 11 to find a

family member or caregiver to assist? 12 A. They were working. Family was working. 13 Q. So the family couldn't

25 drive them to the 14 polls? 15 A. They couldn't drive them to the polls 16 because they were at -- they were

working. 17 Q. Any reason the family member could not 18 have assisted them with an absentee ballot? 19 A.

From what they told me, the ballot boxes, 20 they couldn't come during the regular hours, so if 21 they had an

absentee ballot and the family's 22 working and they can't get there during the voting 23 hours, they weren't able

to drop off the ballot. 24 Q. Could they have mailed it? 25 A. Possibly. Veritext Legal Solutions 800.808.4958

770.343.9696

800.808.4958

1 S.B. 202 on Georgia ADAPT's ability to coordinate
2 with other organizations in serving the disabled
3 community?

4 A. I don't know how to answer that really.
5 Specifics?

6 Q. Well, have you -- have you found because
7 of George -- because of S.B. 202 that the
8 relationship between Georgia ADAPT and one of its
9 other organizational partners has been negatively
10 impacted?

11 A. Yes. The agencies that are in the state
12 want to avoid anything related to voting. They'll
13 do a G.O.T.T., Get Out the Vote, but they don't
14 want anything to do with voting or taking people to
15 the polls. So it's -- it's a negative for us.

16 Q. So other organizations have decided to not
17 provide rides to the polls?

18 A. Not support voting -- not support, like,
19 paying for food and water or supporting voting
20 rides and stuff like that, absentee ballots, that
21 kind of stuff.

22 Q. And as we talked on Monday, the absentee
23 ballots would be driving the person with the
24 absentee ballot to the drop box to deposit the
25 ballot?

1 A. Correct.

2 Q. So --

3 A. They don't want anything to do with it.

4 Q. Including donating to ADAPT to allow you
5 to provide the increased number of rides we talked
6 about?

7 A. We have decreased funds in some of that
8 area, yes.

9 Q. Any other direct impact on Georgia ADAPT
10 with its relationship with other organizations as a
11 result of S.B. 202?

12 A. The polling places, our -- our memberships
13 and some of the people that were part of our
14 coalition are hesitant to talk about it because
15 it's unclear to them, and it's very confusing to
16 me, but -- I'm trying to give you a good example.

17 We know that poll workers, and maybe this
18 is off topic, poll -- poll workers haven't -- have
19 been less and that the groups that were supporting
20 people to become poll workers has decreased.

21 Q. And other groups in sponsoring or
22 supporting poll workers, that was an activity that
23 they did?

24 A. They did, yes.

25 Q. Did those other groups coordinate with

1 Q. Are you aware of anybody who was unable to
2 vote because a mobile voting unit wasn't available
3 to them in 2022?

4 A. I don't have an example in front of me,
5 but I've heard people say that, if they had the
6 mobile voting, they would have been able to vote
7 easier. And so some people missed voting because
8 there was no accessible mobile voting.

9 Q. Is there any reason why they couldn't go
10 to an early voting polling place?

11 A. Transportation is tough. If you use MARTA
12 Mobility, you have to plan ahead of time. And then
13 if you go to the wrong poll place, then you have to
14 reschedule it. So it's difficult to schedule
15 transportation even in -- in Atlanta area.

16 Q. Anything that prevented them from using
17 absentee voting?

18 A. It's not accessible to blind people.

19 Q. Are you aware of any blind person who was
20 unable to vote because there wasn't a mobile voting
21 unit?

22 A. No.

23 Q. Do you know how many disabled voters used
24 the mobile voting unit in Fulton County in 2020?

25 A. I do not know.

1 legality of that.

2 Q. Has anyone informed you or are you aware
3 that drop boxes that were made available in 2020
4 were based on an emergency authorization related to
5 the pandemic?

6 A. Actually, most people didn't know that.

7 Q. They just saw the drop boxes happened to
8 be there and were able to --

9 A. They saw the news they have -- they have
10 drop boxes because of COVID. And disabled people
11 were very ecstatic to have a way to do it without
12 having to go in -- to go in.

13 Having the boxes outside was accessible to
14 them. Having the boxes inside, you have to get out
15 of the car or -- or you know, somebody helps you.
16 But you've still got to get out of the car, go into
17 the place, open the box, get in there.

18 And often the lines were long just to get
19 into the voting place, and that's where the ballot
20 box are after S.B. 202.

21 Q. How many of the drop boxes in 2020 were
22 drive-up drop boxes?

23 A. I don't know.

24 Q. We talked previously about the 28 days
25 provided for under S.B. 202 between the general

1 election and a run-off.

2 Are you aware of any of the ADAPT members
3 who were unable to vote because of the 28-day time
4 period?

5 A. Yes.

6 Q. And how many people were unable to vote?

7 A. I don't have the data in front of me, but
8 more than ten.

9 Q. And what prevented them from going to
10 early voting?

11 A. Work or the attendants, the personal
12 attendants on the waivers. You have to schedule
13 your attendant to help you go places. And so not
14 being able to schedule their attendants, not able
15 to have access to transportation, and not knowing
16 the law and the confusion in the law did result in
17 that.

18 Q. And would the notes that you took from
19 folks record how many people called and provided
20 that information?

21 A. Can you clarify?

22 Q. Sure. The notes that you made --

23 A. Uh-huh.

24 Q. -- to go with your summaries --

25 A. Uh-huh.

1 Q. -- them to another place?

2 So they called an Uber, then, to take them
3 back home?

4 A. I assume so.

5 Q. Are you aware of any ADAPT members who
6 were unable to vote because they didn't have a
7 family member or caregiver to assist them with the
8 voting process?

9 A. Several.

10 Q. And why did they -- why were they unable
11 to find a family member or caregiver to assist?

12 A. They were working. Family was working.

13 Q. So the family couldn't drive them to the
14 polls?

15 A. They couldn't drive them to the polls
16 because they were at -- they were working.

17 Q. Any reason the family member could not
18 have assisted them with an absentee ballot?

19 A. From what they told me, the ballot boxes,
20 they couldn't come during the regular hours, so if
21 they had an absentee ballot and the family's
22 working and they can't get there during the voting
23 hours, they weren't able to drop off the ballot.

24 Q. Could they have mailed it?

25 A. Possibly.

EXHIBIT 15

0 EXHIBIT 15 0 IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
GEORGIA ATLANTA DIVISION IN RE GEORGIA SENATE BILL 202

MASTER CASE FILE NUMBER 1:21-MI-55555-JPB

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

DEPOSITION OF ATHENS-CLARKE COUNTY BOARD OF ELECTIONS & VOTER
REGISTRATION THROUGH CHARLOTTE SOSEBEE September 23, 2022

10:05 a.m. One Press Place Suite 200 Athens, Georgia Tom

Brezina, CRR, RMR, CCR-B-2035 YVer1f 0 In Re: Georgia Senate Bill 202 30(B)(6) Charlotte Sosebee

09/23/2022 Page 114 01:21:50 1 Q Why does your office make drop boxes 01:21:52 2 available?

01:21:55 3 A As a service to our voters and to help 01:21:58 4 with the convenience of a person or

voter returning 01:22:02 5 an absentee ballot 01:22:05 6 Q And who -- and are there particular

01:22:09 7 types of voters that you think benefit more from 01:22:11 8 having drop boxes? 01:22:13 9

A No. 01:22:16 10 Q Would you agree that people with 01:22:16 11 disabilities benefit from the

wide availability of 01:22:19 12 drop boxes? 01:22:21 13 A No, I don't agree. I mean, I just

01:22:25 14 think everybody benefits from it, so -- 01:22:31 15 Q What reasonable modifications or

01:22:33 16 accommodations does your office provide to voters 01:22:35 17 with disabilities who have

difficulty accessing the 01:22:38 18 drop box? 01:22:43 19 A Well, I mean, our office is ADA 01:22:47

20 compliant, and if a voter needed to put -- deposit 01:22:54 21 their absentee ballot into our drop box, that

it's 01:22:57 22 accessible, but that's -- that's it. 01:23:04 23 Q And now I want to ask you a few

01:23:05 24 questions about the security of the drop boxes, and 01:23:09 25 first I want to focus on the

security of the drop Central Litigation Services | 800.442.3376 www.litigation-services.com YVer1f 0 In Re:

Georgia Senate Bill 202 30(B)(6) Charlotte Sosebee 09/23/2022 Page 115 01:23:11 1 boxes prior to SB 202.

Prior to SB 202 were you 01:23:16 2 aware of any breaches of security of the drop boxes 01:23:19 3 in your

county? 01:23:21 4 A No. 01:23:29 5 Q And what measures were put in place 01:23:31 6

prior to SB 202 to protect the ballots in the drop 01:23:34 7 boxes? 01:23:37 8 A We were very

particular about who we 01:23:40 9 purchased our drop boxes from, and we -- I don't 01:23:44 10 recall the

company, but they're secure drop boxes. 01:23:51 11 Keys are available for opening and closing those

01:23:56 12 drop boxes. We want to make sure that the drop 01:24:00 13 boxes were not -- nobody could

put like their hand 01:24:04 14 inside the box to retrieve whatever was placed 01:24:08 15 inside. 01:24:13

16 They were mounted to the ground for -- 01:24:17 17 for another -- another security issue. We

also 01:24:24 18 installed video cameras at all of our drop box 01:24:30 19 locations, and only sworn-in clerks

were allowed to 01:24:41 20 remove ballots from those drop boxes. There was 01:24:44 21 never one

person who retrieved ballots from the drop 01:24:49 22 boxes. We had those removed daily. 01:24:54 23

. . . . And there was a chain of custody form 01:25:01 24 that was completed from the time that the ballots

01:25:04 25 were removed, indicating the number of ballots that Central Litigation Services | 800.442.3376

www.litigation-services.com YVer1f 0 In Re: Georgia Senate Bill 202 30(B)(6) Charlotte Sosebee 09/23/2022

Page 116 01:25:08 1 were retrieved from the boxes, and then the person 01:25:13 2 who received those --

those ballots also verified 01:25:18 3 the number on the chain of custody. 01:25:23 4 But, yeah, we

did everything that we 01:25:25 5 could as far as making sure that we were going by 01:25:28 6 the

guidelines that were listed in the state 01:25:31 7 election board rule. 01:25:33 8 Q And would you

agree that those measures 01:25:35 9 prior to SB 202 kept ballot drop boxes safe and 01:25:39 10 secure?

01:25:42 11 A Yes. 01:25:46 12 Q I'm going to hand the court reporter an 01:25:49 13

exhibit. I believe we are on Number 10. 01:26:02 14 MR. SOWELL: Nine. 01:26:03 15

MS. WINICHAKUL: Nine. 01:26:04 16 MS. HAMILTON: Nine. 01:26:06 17 MS.

WINICHAKUL: Okay. So I'm handing 01:26:07 18 the court reporter what we will mark as 01:26:09 19

Exhibit Number 9. This is Bates labeled -- 01:26:19 20 MR. FLAX: 2027123. 01:26:21 21

MS. WINICHAKUL: All right. One 01:26:22 22 second. Sorry. Just one second. All right. 01:27:07 23

We're back. I'm sorry. This is the wrong 01:27:10 24 document, so now I'm handing the court

01:27:17 25 reporter what is marked as Deposition Exhibit Central Litigation Services | 800.442.3376

www.litigation-services.com YVer1f 0 In Re: Georgia Senate Bill 202 30(B)(6) Charlotte Sosebee 09/23/2022

Page 121 01:33:52 1 because, will it be confusing to our voters when 01:33:55 2 they drive by and see a

drop box still sitting 01:33:58 3 there? Or if we needed to leave them until another 01:34:04 4 decision was

going to be made? 01:34:07 5 Q What about this part where he says, 01:34:09 6 moving them -- he

references moving those drop boxes 01:34:13 7 from week to week during advance voting? 01:34:16 8

A I'm not sure. 01:34:21 9 Q Based on your experience were you in 01:34:23 10 favor of

restricting the drop boxes? 01:34:28 11 A No. 01:34:31 12 Q Can you tell us a little bit more

about 01:34:32 13 that? 01:34:33 14 A Well, I've always thought drop boxes 01:34:37 15 was a great

idea before it became an emergency 01:34:45 16 practice from COVID. Always thought that it was a 01:34:48

17 great idea because that's a service for 01:34:52 18 our voters, and it gives them a little more, I'm

01:34:58 19 going to say, access to returning their absentee 01:35:02 20 ballots. 01:35:04 21 So

I'm -- I'm not against drop boxes. 01:35:10 22 I like the idea that we have them. I think they 01:35:13 23 were

secure the way we -- the way the -- the state 01:35:18 24 election board rule was written from the beginning.

01:35:22 25 I'm not sure about other counties because I know Central Litigation Services | 800.442.3376

www.litigation-services.com YVer1f 0 In Re: Georgia Senate Bill 202 30(B)(6) Charlotte Sosebee 09/23/2022

Page 122 01:35:25 1 other counties use different types of drop boxes. 01:35:30 2 And so -- and, be

honest, now that I 01:35:36 3 remember, when we first found out that we could use 01:35:40 4 drop boxes,

we bought a box from, I want to think 01:35:47 5 maybe Uline that to me looked like it was pretty -- 01:35:51

6 it was a pretty good box until I saw one that was 01:35:54 7 being used by another county, and I was, like,

wait 01:35:57 8 a minute; I don't think our box is as secure as that 01:36:01 9 one. 01:36:01 10 It

was -- it was bolted down on the 01:36:02 11 ground, but it was still -- it still appeared that 01:36:06 12

somebody's hand could go inside the box. So that's 01:36:11 13 when I had that particular box removed and

01:21:50 1 Why does your office make drop boxes available?
01:21:52 2
01:21:55 3
01:21:58 4
01:22:02 5
01:22:05 6
01:22:09 7
01:22:11 8
01:22:13 9
01:22:16 10 Q Would you agree that people with
01:22:16 11 disabilities benefit from the wide availability of
01:22:19 12 drop boxes?
01:22:21 13 A No, I don't. I agree -- I mean, I just
01:22:25 14 think everybody benefits from it, so --
01:22:31 15 Q What reasonable modifications or
01:22:33 16 accommodations does your office provide to voters
01:22:35 17 with disabilities who have difficulty accessing the
01:22:38 18 drop box?
01:22:43 19 A Well, I mean, our office is ADA
01:22:47 20 compliant, and if a voter needed to put -- deposit
01:22:54 21 their absentee ballot into our drop box, that it's
01:22:57 22 accessible, but that's -- that's it.
01:23:04 23 Q And now I want to ask you a few
01:23:05 24 questions about the security of the drop boxes, and
01:23:09 25 first I want to focus on the security of the drop

01:23:11 1 boxes prior to SB 202. Prior to SB 202 were you
01:23:16 2 aware of any breaches of security of the drop boxes
01:23:19 3 in your county?

01:23:21 4 A No.

01:23:29 5 Q And what measures were put in place
01:23:31 6 prior to SB 202 to protect the ballots in the drop
01:23:34 7 boxes?

01:23:37 8 A We were very particular about who we
01:23:40 9 purchased our drop boxes from, and we -- I don't
01:23:44 10 recall the company, but they're secure drop boxes.
01:23:51 11 Keys are available for opening and closing those
01:23:56 12 drop boxes. We want to make sure that the drop
01:24:00 13 boxes were not -- nobody could put like their hand
01:24:04 14 inside the box to retrieve whatever was placed
01:24:08 15 inside.

01:24:13 16 They were mounted to the ground for --
01:24:17 17 for another -- another security issue. We also
01:24:24 18 installed video cameras at all of our drop box
01:24:30 19 locations, and only sworn-in clerks were allowed to
01:24:41 20 remove ballots from those drop boxes. There was
01:24:44 21 never one person who retrieved ballots from the drop
01:24:49 22 boxes. We had those removed daily.

01:24:54 23 And there was a chain of custody form
01:25:01 24 that was completed from the time that the ballots
01:25:04 25 were removed, indicating the number of ballots that

01:25:08 1 were retrieved from the boxes, and then the person
01:25:13 2 who received those -- those ballots also verified
01:25:18 3 the number on the chain of custody.

01:25:23 4 But, yeah, we did everything that we
01:25:25 5 could as far as making sure that we were going by
01:25:28 6 the guidelines that were listed in the state
01:25:31 7 election board rule.

01:25:33 8 Q And would you agree that those measures
01:25:35 9 prior to SB 202 kept ballot drop boxes safe and
01:25:39 10 secure?

01:25:42 11 A Yes.

01:25:46 12 Q I'm going to hand the court reporter an
01:25:49 13 exhibit. I believe we are on Number 10.

01:26:02 14 MR. SOWELL: Nine.

01:26:03 15 MS. WINICHAKUL: Nine.

01:26:04 16 MS. HAMILTON: Nine.

01:26:06 17 MS. WINICHAKUL: Okay. So I'm handing

01:26:07 18 the court reporter what we will mark as

01:26:09 19 Exhibit Number 9. This is Bates labeled --

01:26:19 20 MR. FLAX: 2027123.

01:26:21 21 MS. WINICHAKUL: All right. One

01:26:22 22 second. Sorry. Just one second. All right.

01:27:07 23 We're back. I'm sorry. This is the wrong

01:27:10 24 document, so now I'm handing the court

01:27:17 25 reporter what is marked as Deposition Exhibit

01:33:52 1 because, will it be confusing to our voters when
01:33:55 2 they drive by and see a drop box still sitting
01:33:58 3 there? Or if we needed to leave them until another
01:34:04 4 decision was going to be made?

01:34:07 5 Q What about this part where he says,
01:34:09 6 moving them -- he references moving those drop boxes
01:34:13 7 from week to week during advance voting?

01:34:16 8 A I'm not sure.

01:34:21 9 Q Based on your experience were you in
01:34:23 10 favor of restricting the drop boxes?

01:34:28 11 A No.

01:34:31 12 Q Can you tell us a little bit more about
01:34:32 13 that?

01:34:33 14 A Well, I've always thought drop boxes
01:34:37 15 was a great idea before it became a emergency
01:34:45 16 practice from COVID. Always thought that it was a
01:34:48 17 great idea because that's a -- that's a service for
01:34:52 18 our voters, and it gives them a little more, I'm
01:34:58 19 going to say, access to returning their absentee
01:35:02 20 ballots.

01:35:04 21 So I'm -- I'm not against drop boxes.
01:35:10 22 I like the idea that we have them. I think they
01:35:13 23 were secure the way we -- the way the -- the state
01:35:18 24 election board rule was written from the beginning.
01:35:22 25 I'm not sure about other counties because I know

01:35:25 1 other counties use different types of drop boxes.

01:35:30 2 And so -- and, be honest, now that I

01:35:36 3 remember, when we first found out that we could use

01:35:40 4 drop boxes, we bought a box from, I want to think

01:35:47 5 maybe Uline that to me looked like it was pretty --

01:35:51 6 it was a pretty good box until I saw one that was

01:35:54 7 being used by another county, and I was, like, wait

01:35:57 8 a minute; I don't think our box is as secure as that

01:36:01 9 one.

01:36:01 10 It was -- it was bolted down on the

01:36:02 11 ground, but it was still -- it still appeared that

01:36:06 12 somebody's hand could go inside the box. So that's

01:36:11 13 when I had that particular box removed and purchased

01:36:14 14 the ones that -- I want to think it was Cobb County

01:36:18 15 that had that box, and so I -- I -- I spent -- we

01:36:23 16 spent some -- spent money getting the one that I

01:36:25 17 liked and the one that I felt was more secure.

01:36:29 18 So I am going to say that it was --

01:36:33 19 before it was moved into our office and we could

01:36:38 20 only have one, I feel we -- that Clarke County was

01:36:40 21 pretty secure as far as our boxes were concerned.

01:36:44 22 Q Rather than remove drop boxes or limit

01:36:48 23 the number of drop boxes, would you be in favor of

01:36:52 24 an alternative such as requiring a certain level of

01:36:55 25 security of the type of drop box purchased?

01:36:58 1 A Yes.

01:37:02 2 Q Would that alternative also allow more
01:37:05 3 voters to access drop boxes?

01:37:13 4 A I -- I believe that.

01:37:16 5 Q If the rules regarding drop boxes
01:37:19 6 reverted back to those in place prior to SB 202,
01:37:24 7 what would your office have to do to implement those
01:37:26 8 changes?

01:37:27 9 A Take them back. We would have our
01:37:31 10 facilities management -- because we still have them.
01:37:34 11 We have them, I'm hopeful. We spent money on them.
01:37:38 12 We need to use them, and our voters used them, so
01:37:41 13 all we'd have to do is our facility management is
01:37:43 14 just put those back out there. We put our security
01:37:47 15 cameras back out, and that would be it.

01:37:49 16 Q How long would that take to implement?

01:37:51 17 A Oh, about two days.

01:37:57 18 Q Based on your experience, if the county
01:37:59 19 were to make those changes that you just described,
01:38:01 20 would that result in voter confusion?

01:38:06 21 A In a good way, yes.

01:38:09 22 Q What do you mean by that?

01:38:10 23 A It would be confusing because they
01:38:11 24 would think that we don't have the drop boxes
01:38:14 25 anymore, but in a good way is it would be, oh,

01:38:19 1 there's a drop box; I'll drop my absentee ballot in
01:38:22 2 there, you know. That would be -- I think it would
01:38:25 3 be confusing because it's taken, put back. Now it's
01:38:30 4 -- now we're putting it back again. Yeah, I think
01:38:33 5 that would be confusing.

01:38:35 6 Q So now that SB 202 has been
01:38:36 7 implemented, how do you believe these new
01:38:39 8 restrictions on drop boxes impact voters in your
01:38:43 9 counties?

01:38:45 10 A Well, I do know we've had some voters
01:38:49 11 express that it's not accessible because the drop
01:38:54 12 box is located inside of our office, and it's only
01:38:58 13 available during advance voting. There is still the
01:39:01 14 option of voters bringing the ballots into our
01:39:04 15 office and giving them to the clerk at the front
01:39:08 16 desk, but yeah, that -- that -- that's my take on
01:39:14 17 that.

01:39:15 18 Q Did you speak to legislators about drop
01:39:18 19 boxes prior to the passage of SB 202?

01:39:22 20 A I didn't.

01:39:23 21 Q Do you know if GAVREO spoke to any
01:39:25 22 legislators about drop boxes prior to the passage of
01:39:28 23 SB 202?

01:39:30 24 A I'm not sure. I don't know.

01:39:34 25 Q Just a few quick questions here on the

01:41:57 1 and that affidavit is kept on file. And it's
01:42:03 2 usually voters who either, like I said, family
01:42:08 3 members, caregiver. It's usually situations like
01:42:15 4 that.

01:42:17 5 Q What about for people who do not have a
01:42:21 6 family member or caregiver but still require, say,
01:42:26 7 because of a disability, someone to return their
01:42:30 8 absentee ballot for them?

01:42:31 9 A The only thing that allows a ballot to
01:42:34 10 be returned in a situation like that are -- is a
01:42:38 11 provision in the law that it has to be mailed.

01:42:51 12 Q Did you speak with any legislator about
01:42:53 13 this provision making third-party ballot returns a
01:42:57 14 felony?

01:42:58 15 A I didn't.

01:42:59 16 Q And do you know if GAVREO spoke about
01:43:01 17 this provision to any legislator?

01:43:05 18 A Not to my knowledge.

01:43:08 19 Q If the provision of SB 202 regarding
01:43:11 20 third-party ballot returns now being a felony
01:43:17 21 outside of the scope of a family member or
01:43:20 22 caregiver, if that were to be reverted to what was
01:43:24 23 prior to SB 202 and others were allowed to return
01:43:30 24 absentee ballots for -- others would not be
01:43:35 25 convicted of a felony if they could return the

EXHIBIT 16

2 EXHIBIT 16 2 IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION IN RE GEORGIA SENATE BILL 202 MASTER CASE NO. 1:12-MI-55555-JPB SIXTH
DISTRICT OF THE AFRICAN METHODIST EPISCOPAL CHURCH, et al., Plaintiffs, CIVIL ACTION v. Case No.
1:21-CV-01284-JPB BRIAN KEMP, Governor of the State of Georgia, in his official capacity, et al., Defendants.
THE CONCERNED BLACK CLERGY OF METROPOLITAN ATLANTA, INC. et al. Plaintiffs, Case No. 1:21-CV-
01728-JPB v. BRAD RAFFENSPERGER, in his official capacity as the Georgia Secretary of State, et al.,
Defendants. EXPERT REPORT OF DR. DANIEL G. CHATMAN 2 TABLE OF CONTENTS I. Executive Summary

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Defendants.....	
was retained by Plaintiffs' counsel to estimate the travel times associated with access to ballot drop boxes, early voting locations, and photo ID procurement locations (Department of Driver Services (DDS) offices) in the state of Georgia; to compare ballot drop box access before and after implementation of Senate Bill 202 (SB 202); and to assess the relative travel times associated with access to these locations across the major racial/ethnic groups in the state and by disability status. The purpose of this analysis is to investigate how the aggregate and cumulative effects of state rules on access to voting methods (such as ballot drop boxes and early voting locations) and identification documents (including photo ID) affect the ease or difficulty of voting, comparing these different demographic groups to each other. 2. I investigated the travel burden that would be incurred by citizens of voting age (CVAs) in the course of dropping off a ballot at a drop box in 2020 before the implementation of SB 202, dropping off a ballot at a drop box in 2022 after the implementation of SB 202, accessing an early voting location in 2022, or traveling to a DDS office to apply for a photo identification card. Analyses of these travel scenarios were done separately. I focus on the time required to access these locations by car, via public transportation, or on foot, and to return home, as time is the most salient and readily quantifiable of the various costs involved in travel. The main output of this analysis are estimates of travel time across the population of CVAs, by race/ethnicity and by disability status. 3. I find that the distribution of ballot drop boxes, early voting locations, and photo ID procurement locations places a more substantial travel burden on CVAs without access to a vehicle, who in turn are much more commonly found among three groups: people with disabilities, Black voters, and to a less marked extent, Latinx voters. I define a "travel burden" as having to travel more than an hour round trip, which would be more than double the average amount of 1 2 discretionary household travel for a Georgia resident. (For access to DDS locations, as explained below, I use a 90-minute travel burden definition.) 4. The percentage of CVAs who would incur a travel burden to access any of the relevant locations for voting in the state of Georgia is very low for those who live in a household with access to a personal vehicle, but very high for those without access to a car, a demographic that comprises about 4.6 percent of CVAs in the state. For example, in 2020 about 65 percent of CVAs without access to a car would have had to spend more than 60 minutes to deliver their ballot to a drop box location and return home. In 2022, with the reduction of ballot drop boxes, this figure increased to about 85 percent of CVAs. The average round-trip duration for these burdened individuals without access to a car in 2022 was more than 3 hours and 38 minutes, due to a significant number of those who would be required to travel for long distances on foot. 5. This burden is disproportionately borne by Black voters in comparison to non- Hispanic white voters, and disproportionately borne by people with disabilities compared to people without disabilities, as described in each of the sections below. About 9 percent of Black voters in Georgia lack vehicle access in the household (three times as high as non- Hispanic white voters), while about 11 percent of voters with disabilities lack vehicle access (more than three times as high as voters without disabilities). Partly as a result of this, Black voters and voters with disabilities are two to three times more likely to have travel burdens across all three destination types: ballot drop boxes, early voting locations and DDS offices. These burdens can be expected to reduce the probability of voting by members of these groups. 6. The median total time to travel on public transportation from home to the nearest in-county drop box location increased 61 percent between 2020 and 2022, to 1 hour and 24 minutes. 2 2 7. In 2020, Black voters statewide were 36 percent more likely than non-Hispanic white voters to have a round-trip exceeding an hour to access a ballot drop box. In 2022, the difference increased dramatically: Black voters statewide were 146 percent more likely than non- Hispanic white voters to have a round-trip that exceeded an hour. 8. In 2020, voters with disabilities were 141 percent more likely than voters without disabilities to have a round-trip exceeding an hour to access a ballot drop box. In 2022, this difference increased substantially: voters with disabilities statewide were 193 percent more likely than voters without disabilities to have a round-trip exceeding an hour. 9. Whether households experience a travel burden to access a ballot drop box, early voting location, or DDS location is highly correlated with poverty status. That is because experiencing such a travel burden is almost entirely associated with individuals not having access to a car, and one of the best predictors of whether a	

person owns a car is their household income. The median income of households without cars in Georgia (\$36,000) is half of that for households who have a car (\$72,000) (U.S. Census Bureau 2017 American Community Survey Public Use Microdata Sample). II. QUALIFICATIONS 10. I am an Associate Professor of City and Regional Planning at the University of California, Berkeley. I have taught undergraduate and graduate courses in urban and regional transportation planning, transportation and land use planning, and research methods. 11. I received a B.A. degree from the University of California, Berkeley in 1991, a Master's degree in Public Policy from the Kennedy School of Government at Harvard University in 1997, and a Ph.D. in Urban Planning from the University of California, Berkeley in 2005. From 2005 to 2009, I was Assistant Professor in the Bloustein School of Planning and Public Policy at Rutgers University, where I also served as Director and Research Director of the Alan S. Voorhees Transportation Center. I was appointed as Assistant Professor at U.C. Berkeley in 2009, and was promoted to Associate Professor with tenure in 2014. I am currently Chair of the Department of City and Regional Planning at U.C. Berkeley. My curriculum vitae (CV) is attached to this report.

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I. EXECUTIVE SUMMARY

1. I was retained by Plaintiffs' counsel to estimate the travel times associated with access to ballot drop boxes, early voting locations, and photo ID procurement locations (Department of Driver Services (DDS) offices) in the state of Georgia; to compare ballot drop box access before and after implementation of Senate Bill 202 (SB 202); and to assess the relative travel times associated with access to these locations across the major racial/ethnic groups in the state and by disability status. The purpose of this analysis is to investigate how the aggregate and cumulative effects of state rules on access to voting methods (such as ballot drop boxes and early voting locations) and on identification documents for voting (including photo ID) affect the ease or difficulty of voting, comparing these different demographic groups to each other.

2. I investigated the travel burden that would be incurred by citizens of voting age (CVAs) in the course of dropping off a ballot at a drop box in 2020 before the implementation of SB 202, dropping off a ballot at a drop box in 2022 after the implementation of SB 202, accessing an early voting location in 2022, or traveling to a DDS office to apply for a photo identification card. Analyses of these travel scenarios were done separately. I focus on the time required to access these locations by car, via public transportation, or on foot, and to return home, as time is the most salient and readily quantifiable of the various costs involved in travel. The main output of this analysis are estimates of travel time across the population of CVAs, by race/ethnicity and by disability status.

3. I find that the distribution of ballot drop boxes, early voting locations, and photo ID procurement locations places a more substantial travel burden on CVAs without access to a vehicle, who in turn are much more commonly found among three groups: people with disabilities, Black voters, and to a less marked extent, Latinx voters. I define a "travel burden" as having to travel more than an hour round-trip, which would more than double the average amount of

discretionary household travel for a Georgia resident. (For access to DDS locations, as explained below, I use a 90-minute travel burden definition.)

4. The percentage of CVAs who would incur a travel burden to access any of the relevant locations for voting in the state of Georgia is very low for those who live in a household with access to a personal vehicle, but very high for those without access to a car, a demographic that comprises about 4.6 percent of CVAs in the state. For example, in 2020 about 65 percent of CVAs without access to a car would have had to spend more than 60 minutes to deliver their ballot to a drop box location and return home. In 2022, with the reduction of ballot drop boxes, this figure increased to about 85 percent of CVAs. The average round-trip duration for these burdened individuals without access to a car in 2022 was more than 3 hours and 38 minutes, due to a significant number of those who would be required to travel for long distances on foot.

5. This burden is disproportionately borne by Black voters in comparison to non-Hispanic white voters, and disproportionately borne by people with disabilities compared to people without disabilities, as described in each of the sections below. About 9 percent of Black voters in Georgia lack a vehicle in the household (three times as high as non-Hispanic white voters), while about 11 percent of voters with disabilities lack vehicle access (more than three times as high as voters without disabilities). Partly as a result of this, Black voters and voters with disabilities are two to three times more likely to have travel burdens across all three destination types: ballot drop boxes, early voting locations and DDS offices. These burdens can be expected to reduce the probability of voting by members of these groups.

6. The median total time to travel on public transportation from home to the nearest in-county drop box location increased 61 percent between 2020 and 2022, to 1 hour and 24 minutes.

7. In 2020, Black voters statewide were 36 percent more likely than non-Hispanic white voters to have a round-trip exceeding an hour to access a ballot drop box. In 2022, the difference increased dramatically: Black voters statewide were 146 percent more likely than non-Hispanic white voters to have a round-trip that exceeded an hour.

8. In 2020, voters with disabilities were 141 percent more likely than voters without disabilities to have a round-trip exceeding an hour to access a ballot drop box. In 2022, this difference increased substantially: voters with disabilities statewide were 193 percent more likely than voters without disabilities to have a round-trip exceeding an hour.

9. Whether households experience a travel burden to access a ballot drop box, early voting location, or DDS location is highly correlated with poverty status. That is because experiencing such a travel burden is almost entirely associated with individuals not having access to a car, and one of the best predictors of whether a person owns a car is their household income. The median income of households without cars in Georgia (\$36,000) is half of that for households who have a car (\$72,000) (U.S. Census Bureau 2017 American Community Survey Public Use Microdata Sample).

II. QUALIFICATIONS

10. I am an Associate Professor of City and Regional Planning at the University of California, Berkeley. I have taught undergraduate and graduate courses in urban and regional transportation planning, transportation and land use planning, and research methods.

11. I received a B.A. degree from the University of California, Berkeley in 1991, a Master's degree in Public Policy from the Kennedy School of Government at Harvard University in 1997, and a Ph.D. in Urban Planning from the University of California, Los Angeles in 2005. From 2005 to 2009, I was Assistant Professor in the Bloustein School of Planning and Public Policy at Rutgers University, where I also served as Director and Research Director of the Alan

M. Voorhees Transportation Center. I was appointed as Assistant Professor at U.C. Berkeley in 2009, and was promoted to Associate Professor with tenure in 2014. I am currently Chair of the Department of City and Regional Planning at U.C. Berkeley. My curriculum vitae (CV) is attached to this report.

12. I conduct research on travel behavior and the built environment, immigrants and travel in the United States, the relationships between public transportation services and the economy, and other topics related to transportation and land use planning. I have published more than 50 peer-reviewed journal articles, book chapters, research reports, and lay articles, and have given more than 100 invited or refereed talks on these topics. I have been principal investigator on transportation and land use research grants and contracts totaling more than \$3.3 million in funding.

13. I have been involved with four voting cases in which I provided my services as an expert witness in the area of transportation and land use studies, and was qualified as an expert in all of those cases in which I wrote reports and/or provided testimony.

14. In 2014, I provided a report and testified as an expert in a federal voting case in Texas, *Veasey v. Perry*, No. 2:13-cv-193 (NGR) (S.D. Tex.). My analysis and testimony concerned the racial/ethnic and income distribution of transportation burdens associated with newly imposed photo identification requirements for voter eligibility in Texas.

15. In September 2020, I provided a report and testified in a federal voting case in Ohio, *A. Philip Randolph Inst. of Ohio v. LaRose*, No. 1:20-cv-01908-DAP (N.D. Ohio). My analysis and testimony concerned travel burdens and queuing delays associated with a State of Ohio rule requiring that ballot drop boxes be provided exclusively at the county board of elections in each county.

16. In October 2020, I provided a report and testified in a state voting case in Texas, *The Anti-Defamation League Austin v. Abbott*, No. D-1-GN-20-005550 (Texas State District Court, Travis County, 353rd Judicial District), and provided a report in a related federal case in Texas, *Texas State Conference of NAACP Branches v. Abbott* (W.D. Tex.). My analysis and testimony in these cases concerned the travel burdens and queueing delays associated with a State of Texas restriction on the number of ballot drop boxes that could be made available by counties.

17. I am being compensated at the rate of \$500 per hour for my work on this case. My compensation is not contingent on or affected by the substance of my opinions or the outcome of this case.

III. OVERVIEW OF ANALYSIS

18. I defined and carried out the analysis of travel burden in four parts. First, I identified a simplified set of home starting points for trips that would be undertaken by those who seek to access a ballot drop box, early voting location, or a DDS office. This simplified set of home starting points consists of the “centroids,” or central geographical coordinates, of the 7,446 Census-defined block groups in the state of Georgia. I also identified and mapped the individual locations within each county where ballot drop boxes (in 2020 as well as 2022), early voting locations, and DDS offices are located. Second, using Google Maps via a cloud services account, I estimated the time it would take to travel from home to the nearest eligible location within each county, and back, by each of three travel modes: personal automobile, public transportation (including buses and rail services), and on foot. Third, I compiled and estimated information about CVAs by race/ethnicity, disability status, and auto ownership located in the 7,446 block groups throughout the state. Fourth, I estimated the round-trip travel times for CVAs to return a ballot to a ballot drop box or early voting location, or to access a DDS office to procure a photo ID, depending on their race/ethnicity, disability status, and whether they have access to a personal vehicle in their household.

19. I was assisted in geocoding, mapping, data procurement, data management, Google API management, and data analysis by two master's students and one graduate of UC Berkeley's undergraduate program. I also paid Google for the use of their cloud services to procure travel time estimates.

IV. METHODS

A. Background

20. For purposes of this investigation, I define "travel burden" in terms of time. My definition is based on a comparison with both national travel survey data and survey data from the State of Georgia.

21. The cumulative time that individuals spend traveling every day varies a great deal by household (National Household Travel Survey, 2017).¹ In the State of Georgia, the average daily time spent traveling for discretionary trips made for personal and household purposes, excluding work, is about 54 minutes (excluding intercity trips). This figure is slightly lower than the U.S. average (see Table 1 below). A starting point for any definition of "travel burden" is the current amount of time that an individual already spends traveling for discretionary purposes each day, because this pattern typically reflects constraints that make it difficult to travel more without having financial impacts or causing time scarcity (Farber and Páez, 2011).

Table 1: Average Minutes Spent Traveling Per Day, By Income, For Home-Based Non-Work Trips

	All persons	Household income <\$25,000	Household income >\$25,000
Georgia	53.7	54.7	52.8
United States	56.1	55.0	56.2

Source: National Household Transportation Survey, 2017

¹ The most recent national data on travel across the United States and in Georgia are from 2017, in the National Household Travel Survey.

22. The average duration for a home-based trip for a non-work purpose (excluding intercity trips)—that is, the time needed for the average trip from home to reach an activity such as grocery shopping, seeing the doctor, or dropping one’s child off at school—was 20.6 minutes in the U.S. and 22.3 minutes in Georgia in 2017. Almost all trips in both the U.S. and in the State of Georgia are taken by personal vehicle, due to the relatively slow speeds and incomplete spatial coverage afforded by public transportation in most parts of the U.S. and Georgia, the common need to transfer between public transportation vehicles, the long distances between activity locations, and the often hazardous or strenuous walking conditions that can make walking impractical. Excluding intercity trips, just 1.6 percent of all trips in Georgia are taken on public transportation, while 7.9 percent of all trips are taken on foot.

23. While some individuals may have time to spare for numerous activities, most individuals must make tradeoffs when there is any new demand on time. An increase in the amount of time required to travel can cut into discretionary time for activities like entertainment, socializing, and shopping, as well as into non-discretionary time for activities like work, meals, childcare, and buying groceries (Farber and Páez, 2011).

24. Voters are significantly affected by the costs of voting, most of which have to do with the time required to prepare to vote and to carry out voting; and the costs of voting are a greater determinant of the likelihood to vote than conventional measures of the benefit of voting such as the perceived differences between parties, the perceived closeness of the election and the long-range value of voting participation (Sigelman & Berry, 1982; Blais et al, 2000).

25. There are a number of costs associated with traveling to access a drop box, early voting location, or DDS office, the largest and most quantifiable of which is time. The primary time burden arises for those who do not have access to a vehicle, as those who do have such access

can either drive to the location or get a ride from someone in their household. The physical effort involved is also minimal. Those who do not have access to a vehicle, however, must rely on either a ride from someone else not living in the household, or an alternative travel mode such as public transportation or walking. For example, in the 2022 general election there were only 304 early voting locations and 67 DDS offices in Georgia, a state of about 11 million people. Given that public transportation services are slower, and completely unavailable in large parts of the state, travel distances and trip durations to these locations can be quite long.

26. While travel burden is in part subjective, and can be increased by factors other than travel *time*, the primary focus of this analysis is to investigate the number and share of CVAs who would need to undertake trips of long duration in order to access ballot drop boxes, early voting locations, and DDS offices. Of course, calculating the travel burden based on time alone does not account for the relative inconvenience and physical discomfort of walking to locations where public transportation can be accessed, waiting for public transportation to arrive, and enduring the extensive in-vehicle times associated with long public transportation rides. Nor does it account for the physical effort involved with walking all or some of the distance to the location along routes that may be largely inhospitable to pedestrians. This method also does not reflect that such trips can be particularly difficult or nearly impossible for people with disabilities, elderly people, and people with physical limitations.

27. By analyzing survey data for the purpose of predicting choices between travel modes, some studies have translated these qualitative facts about accessing and egressing public transportation on foot into estimates of the valuation of time associated with various aspects of public transportation. Based on a set of 192 studies of walk time values and 77 of waiting time values, the time that people spend waiting for public transportation or walking to and from public

transportation stops is estimated to be about 1.6 times as burdensome as time spent traveling in a personal vehicle (Abrantes and Wardman, 2011, Table 21). In turn, time spent riding the bus or rail is somewhat more burdensome than time spent in a personal vehicle. One quantitative figure averaging a smaller set of studies puts the value for the disutility of time spent on a bus compared to time spent in a car at 1.2 (Abrantes and Wardman, 2011, Table 19), meaning that time spent on a bus is 20 percent more uncomfortable and burdensome, on average, than driving.

28. In addition, people of lower income can be expected to have more difficulty than people of higher income finding additional time to drop off their ballots. Those of lower income usually do not have the option of purchasing services to reduce time requirements in other areas, such as by paying for childcare, laundry service, or home cleaning services, or by eating meals out or purchasing prepared food. Travel becomes particularly burdensome when it requires difficult choices, such as whether to work fewer hours in the week (and thus literally to pay in dollar terms, not just in time terms); to allow children to stay up later than normal to accommodate the lengthened schedule for that day; or to forgo a trip to the doctor that week. Because these kinds of burdens are more likely to be borne by those of lower income, but cannot be otherwise measured directly with available data, I also investigated whether the travel time burden is associated with poverty status in the State of Georgia, as discussed later in the report.

29. For the purpose of this analysis, I define a travel burden as a round-trip that exceeds 60 minutes, or in the case of a trip to access a DDS office to obtain a photo ID, as a round-trip that exceeds 90 minutes. An additional round-trip of 60 minutes on any given day would more than double the average amount of discretionary household travel in the state of Georgia of 54 minutes per day (Table 1). An additional round-trip of 90 minutes would increase that figure by 167 percent. Furthermore, almost all such round trips to access a voting-related destination would be

on foot or via public transportation, which are more onerous than trips undertaken in a private vehicle. Very few trips to access a ballot drop box or early voting location would require a round-trip exceeding 60 minutes for someone driving, and very few round-trips to access a DDS office exceed 90 minutes if driving. Just two percent of trips in Georgia exceeded 60 minutes round-trip either on public transportation or on foot, and 1.4 percent exceeded 90 minutes round-trip, according to the most recent data for Georgia from the National Household Travel Survey (2017). The fact that such long trips on foot or via public transportation are rare suggests that people avoid them whenever possible.

B. Travel Starting and Ending Points

30. For each of the three destination types—ballot drop boxes in the 2020 and 2022 general elections, early voting locations in the 2022 general election, and DDS offices—I obtained listings from the State of Georgia of the locations, with supplements as described below. Once the addresses were extracted from the list or document, these addresses were then geocoded and converted to geographic coordinates using a Google Sheets Plugin Geocoder. These coordinates were then cross-compared with geocoding by the Google Maps Geocoder. Lastly, a manual visual skimming inspection was conducted on Google Maps to ensure that every geocoded location was in a reasonable position (for example, in a public building, office, church, commercial building, or park, and not in the middle of the woods). If a set of coordinates appeared to be out of place, a manual investigation of the associated address was conducted to identify an appropriate set of coordinates.

31. Ballot drop box locations for the 2020 general election were obtained from data provided by the State of Georgia to Plaintiffs’ counsel during the course of this litigation. Because it was my understanding that the state could not provide assurances that this list of drop box locations was complete, the list was then supplemented by online sources, including but not limited

to data from the Georgia Peanut Gallery (<https://georgiapeanutgallery.org/2020/09/28/drop-box-locations-for-november-3-2020-election/>) and 11 Alive (<https://www.11alive.com/article/news/politics/elections/absentee-ballot-drop-boxes-in-metro-atlanta/85-3ba1e3fc-9421-4b29-9210-c48713cad083>).

32. Ballot drop box locations for the 2022 general election were obtained from data provided by the State of Georgia to Plaintiffs' counsel during the course of this litigation. Because it was my understanding that the state could not provide assurances that this list of drop box locations was complete, the list was then supplemented by online sources, including but not limited to data from 11Alive (<https://www.11alive.com/article/news/politics/elections/georgia-election-2022-drop-box-locations-metro-atlanta-fulton-dekalb-gwinnett-cobb-clayton/85-64a37adb-7b1e-4c7c-afa7-4db474afc1a3>).

33. Early voting locations for the 2022 general election were obtained from data provided by the State of Georgia to Plaintiffs' counsel during the course of this litigation on the Georgia Secretary of State Voter Registration System.

34. DDS office locations were obtained from the Georgia Department of Driver Services website (<https://dds.georgia.gov/locations/customer-service-center>).

35. Figures 1, 2, 3 and 4 display the following geocoded locations: ballot drop boxes in 2020, ballot drop boxes in 2022, early voting locations in 2022, and DDS offices, on a county map of Georgia.

Figure 1: Ballot Drop Box Locations, 2020

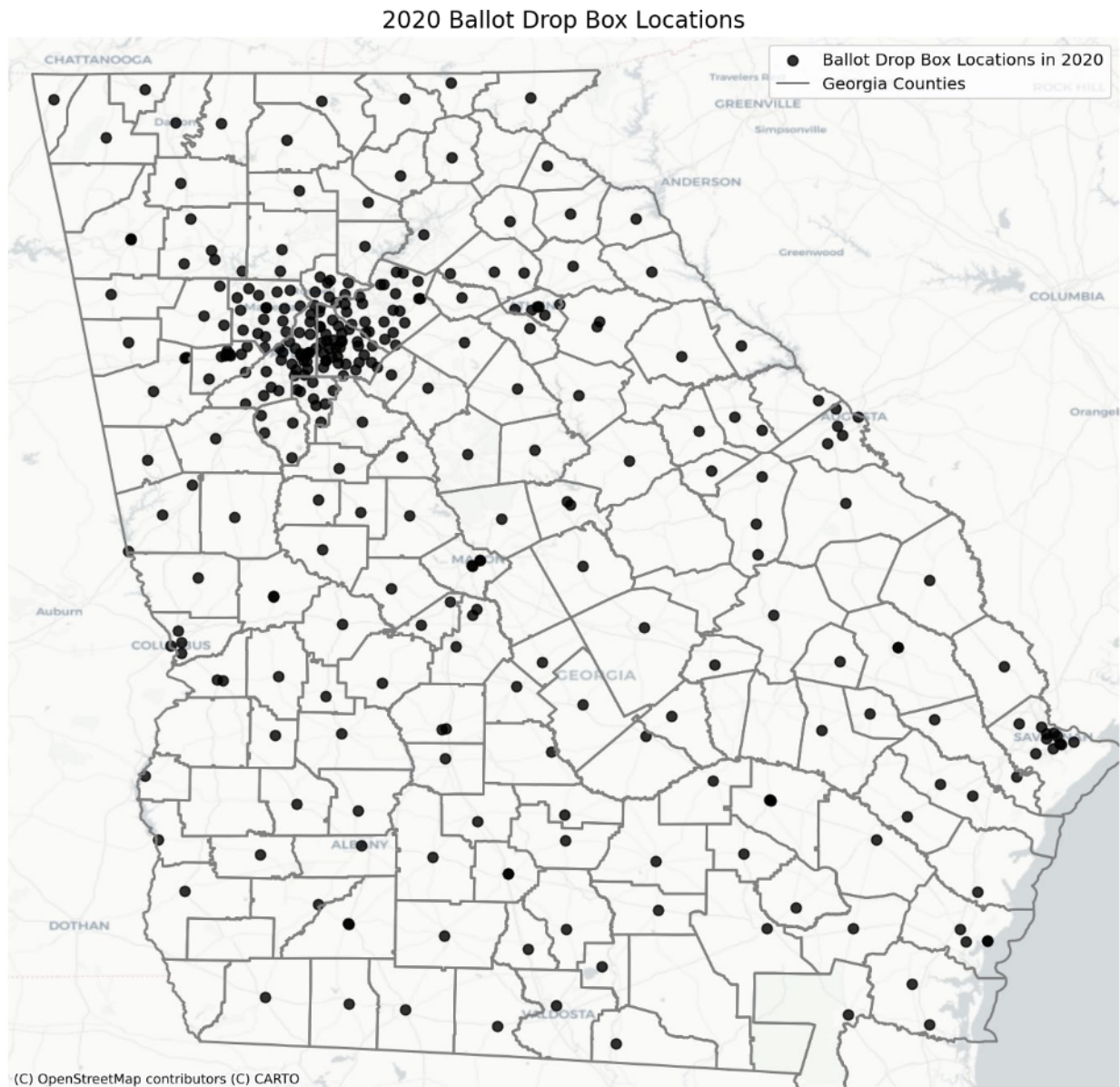


Figure 2: Ballot Drop Box Locations, 2022

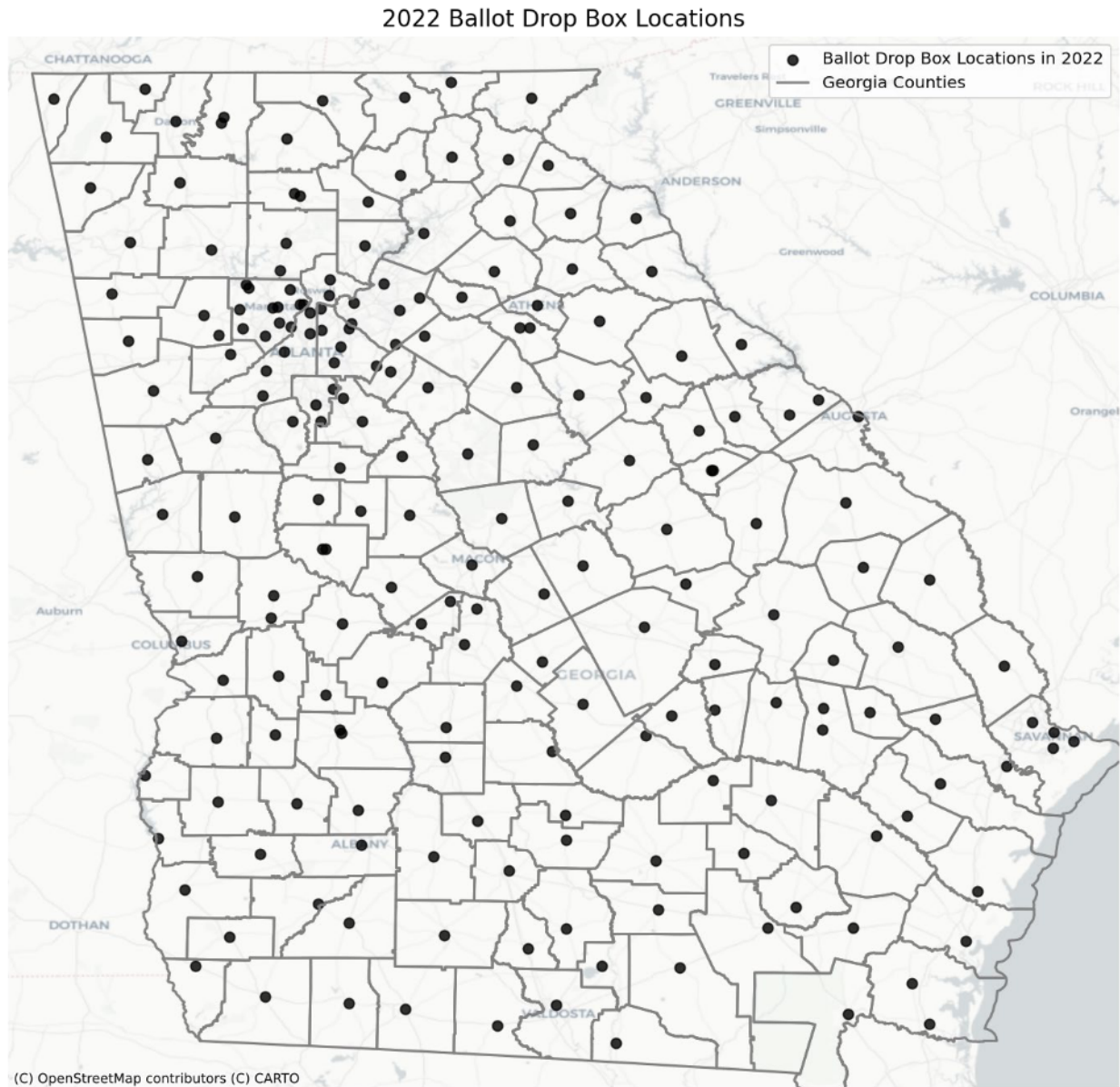


Figure 3: Early Voting Locations, 2022

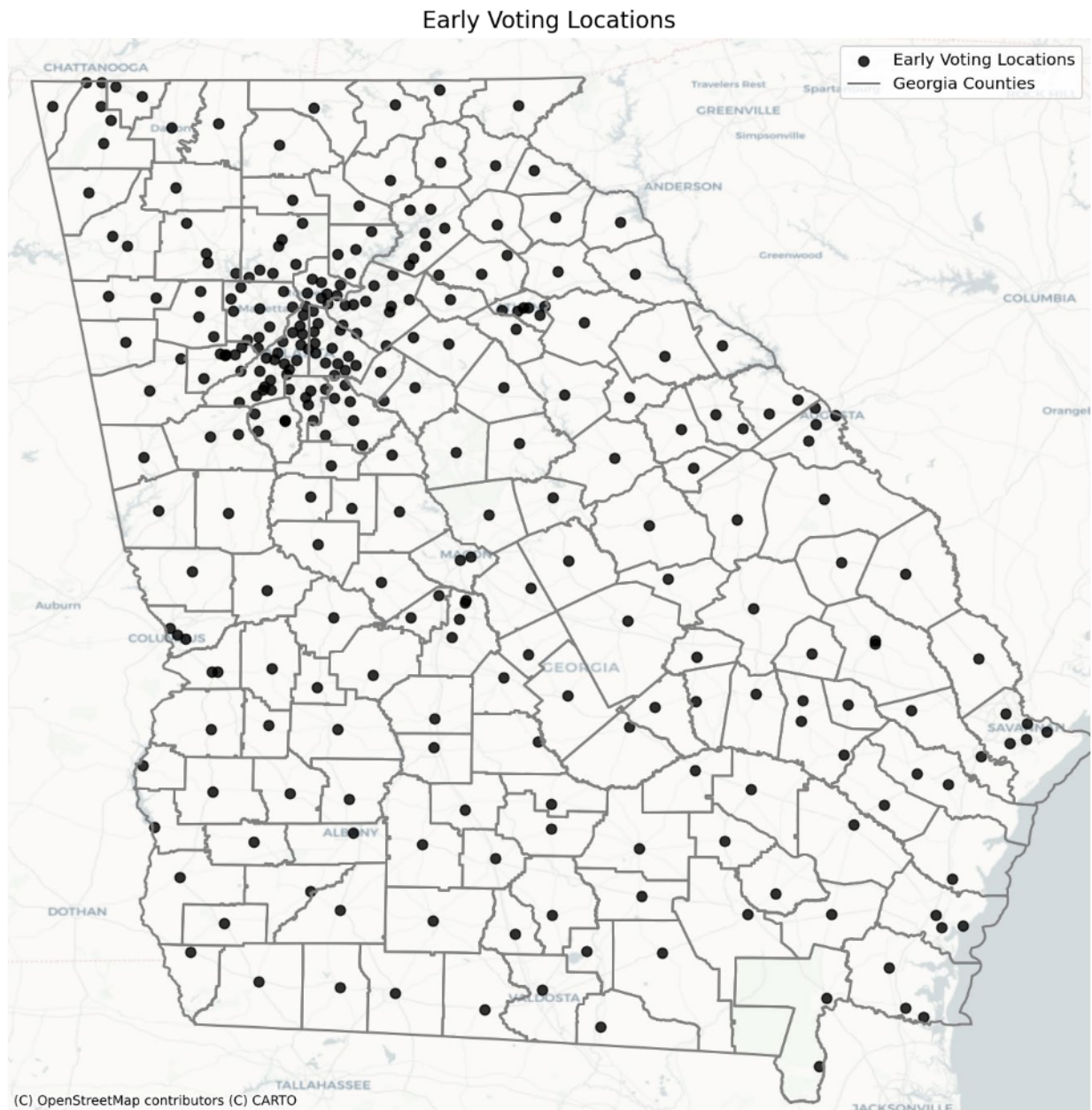
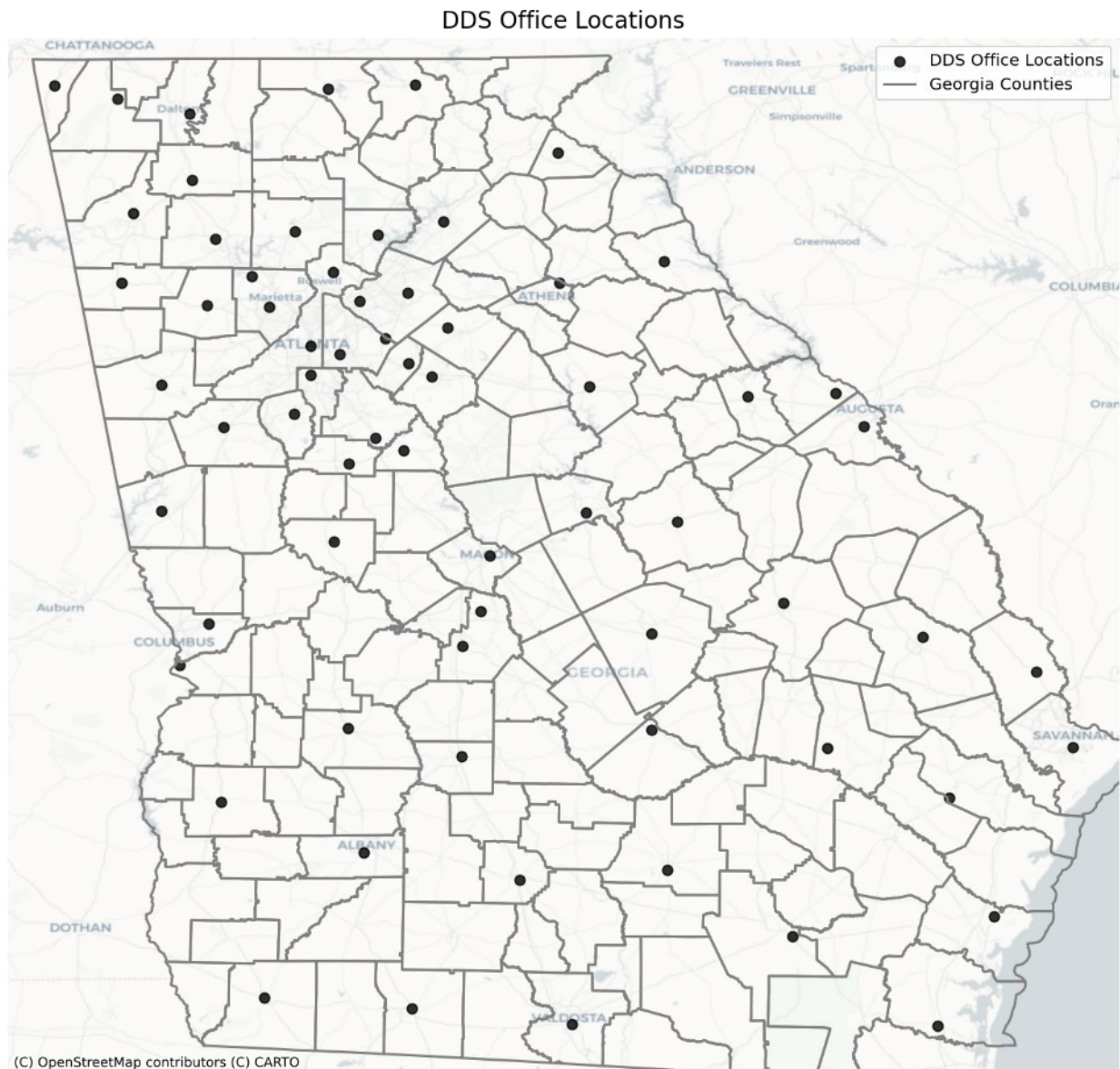
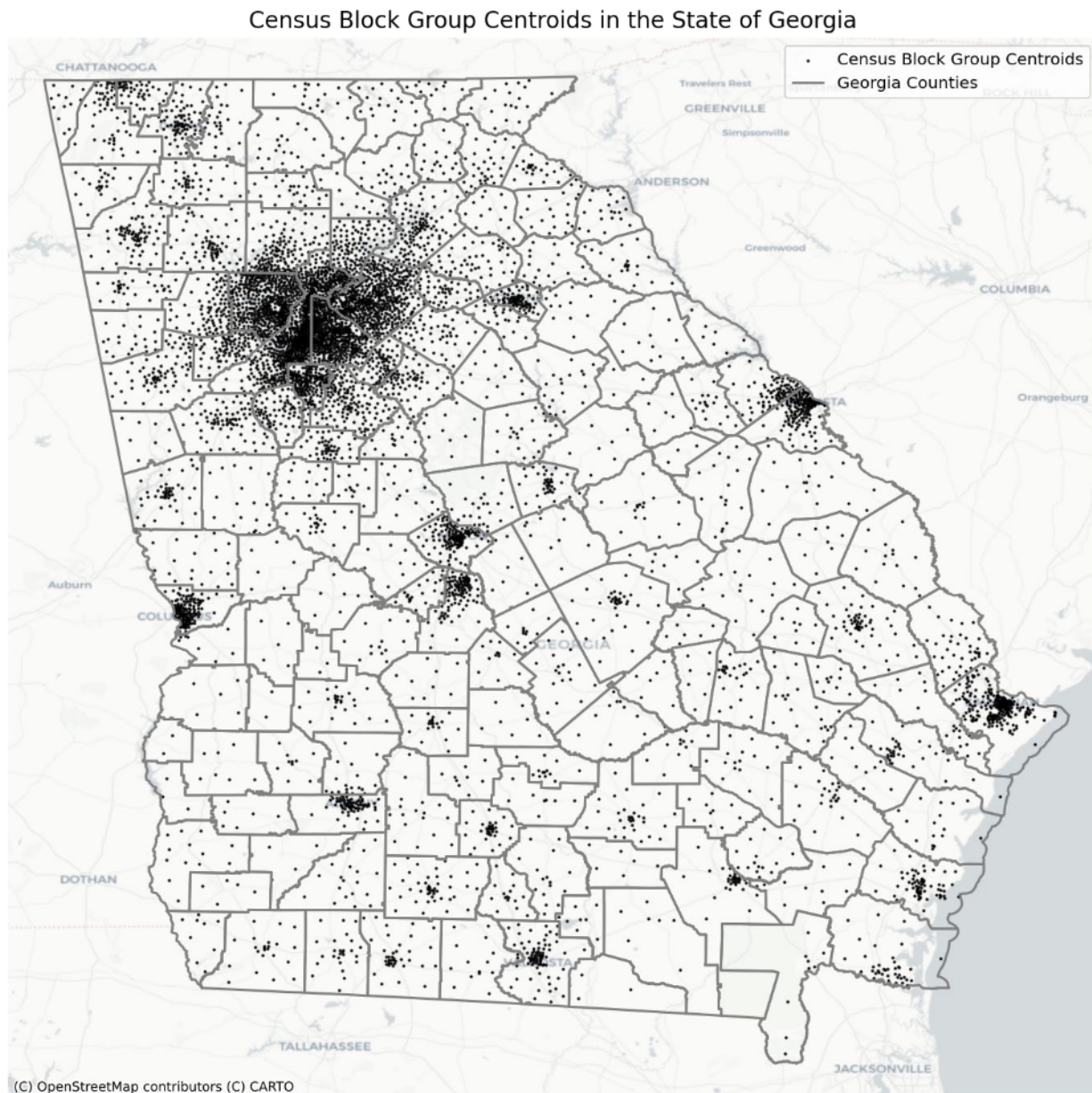


Figure 4: DDS Office Locations

36. There were about 4.5 million occupied housing units in the State of Georgia as of 2021 (U.S. Census Bureau, 2022), and therefore I used a set of simplified home locations to estimate the travel times for CVAs, consisting of Census block groups, which on average have 581 housing units (U.S. Census Bureau American Community Survey 2016-2020). I defined the location for all households in the block group as consisting of the centroid of the block group, calculated with a standard procedure using geographical information software. A “centroid” is the

spatial center of gravity of the block group polygon—the point at which mass in each direction is balanced, serving as the spatial center of households if they are equally distributed throughout the Census block group. Figure 5 displays the centroids for block groups in the state of Georgia. (Note that while county boundaries are shown in Figure 5, block group boundaries are not.)

37. Figure 5 also illustrates that any meaningful spatial error in identifying the locations of specific housing units is likely of most concern in locations in the outlying and less dense parts of the state. In these locations it is more likely that travel time estimates for a particular household might vary from the estimate based on the block group centroid because that household may be located farther from the average household than in block groups located in the most densely populated parts of the state. However, by the same token, this error exists only with regard to a small fraction of the Georgia population, as larger block groups are more sparsely populated, and I would expect the error to be randomly distributed, without a biasing effect on estimates.

Figure 5: Block Group Centroids (Estimated Home Locations) For Georgia

C. Travel Time by Mode of Transportation

38. For each block group centroid, I estimated the travel time to the nearest ballot drop box (in 2020 and 2022), early voting location (in 2022), and DDS office (current locations). There are many possible methods to obtain data to estimate travel times, but the best estimates are based on distances along the road network, traffic conditions, scheduled travel times on public

transportation routes, and distances along the pedestrian network. I used network, congestion, and schedule-based estimates rather than the more readily available “zone to zone” estimates of travel time, which rely on aggregated information about trip destinations and are therefore less accurate.

39. A summary of median one-way travel times (calculated over block groups) is shown in Table 2 for each of the destination types. More details are presented in the subsections following.

Table 2: Median One-Way Travel Time By Mode (Census Block Group Medians, In Minutes)				
	Ballot drop boxes, 2020	Ballot drop boxes, 2022	Early voting locations, 2022	DDS offices
Auto	8.38	11.37	8.75	15.87
Public transportation	26.43	42.13	30.65	56.30
Walking	68.07	102.85	75.53	162.86

i. Travel Times by Public Transportation

40. Even in counties that have some type of public transportation system, the coverage is not expansive enough to provide access for every individual to a ballot drop box, early voting location, or DDS office. I used Google Maps, which relies on general transit feed specification (GTFS) data, to estimate public transportation times from block group centroids to the nearest ballot drop box, early voting location, and DDS office within the county. The estimates rely on spatially specific information about the routes of public transportation vehicles, location of stops, and schedules in GTFS data. The inclusion of this information makes it possible to estimate public transportation travel times that take into account actual service frequency, scheduled public transportation times, and waiting times between public transportation vehicles, as well as standard estimates of walking time along the road network to access and egress both the initial and final stop on the trip.

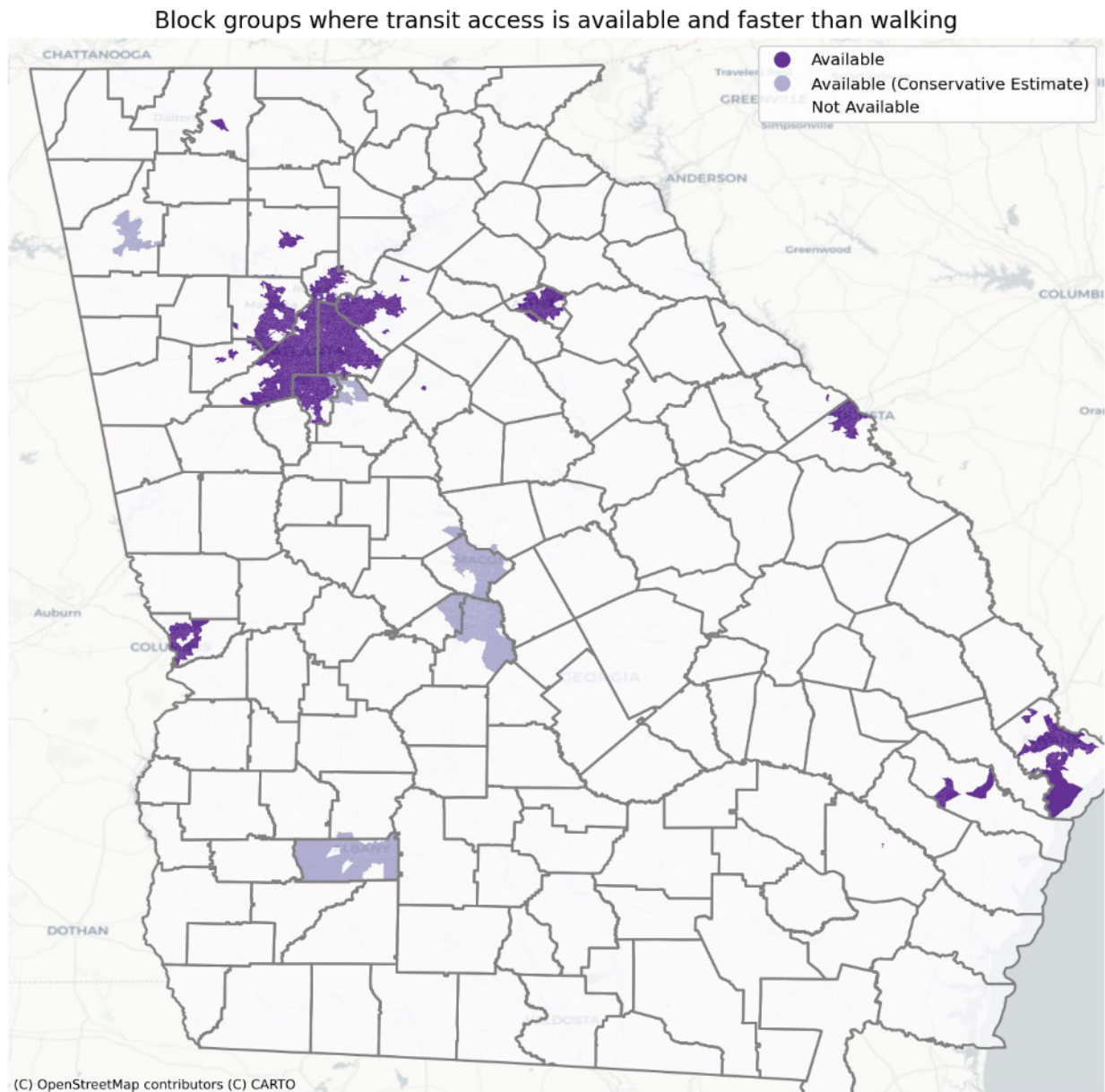
41. For every trip on public transportation, travel time includes walking to the nearest bus or rail stop from home, waiting for a bus or train, and walking from the closest available drop-off point to the final destination. These public transportation travel time estimates assume the best-case scenario of highest schedule availability and no travel delay. Specifically, it is assumed that each trip is taken on a Tuesday morning (a weekday morning, typically the highest frequency public transportation schedule) even though many people will find it difficult to travel at that time of day due to work obligations or other commitments. Those who travel on public transportation in the middle of the day, at the end of the workday, or on a weekend, could encounter a much less frequent schedule than what is assumed here, and would almost never encounter a more frequent schedule.

42. I separately identified fixed-route public transportation services in five counties that did not have GTFS data. Of the public transportation services that I found missing, three were listed in the 2019 Georgia Statewide Transit Plan Transit Profile Sheets (Macon-Bibb County Transit Authority, Albany Transit, and Rome Transit) and two were identified manually by checking for fixed route public transportation in all cities with population greater than 35,000 (Henry County Transit and Warner Robins Transit).

43. To account for these public transportation services, I conducted a separate estimation procedure for public transportation travel times within their coverage area. For these public transportation services that did not have GTFS data, I identified 360 block groups that are within their coverage area based on public transportation service maps and schedules available online. If both the block group centroid and its nearest drop box location, early voting location or DDS office were within these coverage areas, the public transportation travel time of the block group was estimated by multiplying the auto travel time by a “multiplier” factor. For each of the

location types, the multiplier was calculated by dividing the mean public transportation travel time by the mean auto travel time for block groups where public transportation travel times are less than walking travel times. This analysis reflects the typical travel time differences between traveling by auto and public transportation as measured in our dataset elsewhere in the state with complete GTFS data on public transportation service. The calculated multipliers based on observed travel time differentials between auto and public transportation ranged from 4.04 to 4.42 depending on the destination type. This procedure most likely underestimates actual public transportation travel times for those counties, because their public transportation service is at a lower level of service frequency than the average found in those parts of the state which have complete GTFS data.

44. Figure 6 shows the spatial extent of public transportation access in Georgia. The purple areas represent areas in which one of the destination types can be accessed using public transportation, the light purple areas are places where destinations can be accessed using public transportation but our estimates are not from GTFS data (as explained immediately above), and the white areas are places where public transportation either does not exist or is slower than walking.

Figure 6: Public Transportation Access in the State of Georgia

45. Of the block groups for which public transportation is available and faster than walking, median one-way public transportation travel times were as follows:

- To the nearest ballot drop box in 2020: 26.4 minutes, with 90 percent of block groups having a one-way public transportation travel time between 11.3 minutes and 63.1 minutes.

- To the nearest ballot drop box in 2022: 42.1 minutes, with 90 percent of block groups having a one-way public transportation travel time between 17.2 minutes and 80.3 minutes.
- To the nearest early voting location: 30.7 minutes, with 90 percent of block groups having a one-way public transportation travel time between 13.7 minutes and 66.7 minutes.
- To the nearest DDS office location: 56.3 minutes, with 90 percent of block groups having a one-way public transportation travel time between 24.3 minutes and 112.8 minutes.

ii. Travel Times by Auto

46. To estimate the driving time between Census block group centroids and ballot drop boxes, early voting locations, and DDS offices, I used an automated batch interface for Google Maps using a cloud services account, which provided a time estimate for a standard, time-efficient route that accounted for any habitual travel delays caused by road congestion and traffic signals. I calculated the driving time from the centroid of each Census block group to the designated location, and the return trip as well, under the assumption that the beginning of the trip was at 9 am on a Tuesday.

47. The median one-way driving times were as follows:

- To the nearest ballot drop box in 2020: 8.38 minutes, with 90 percent of block groups having a one-way driving time between 2.9 minutes and 21.0 minutes.
- To the nearest ballot drop box in 2022: 11.4 minutes, with 90 percent of block groups having a one-way driving time between 4.0 minutes and 22.0 minutes.
- To the nearest early voting location: 8.8 minutes, with 90 percent of block groups having a one-way driving time between 3.2 minutes and 19.3 minutes.
- To the nearest DDS office location: 5.9 minutes, with 90 percent of block groups having a one-way driving time between 6.1 minutes and 32.5 minutes.

iii. Travel Times on Foot

48. I calculated walking distances and durations using Google Maps and software to identify the shortest route to the nearest ballot drop box in 2020 and 2022, early voting location in 2022, and current DDS office within the county from the centroid of each Census block group using the road network. Walk times estimated by Google Maps are on average 3.0 miles per hour. Walk speeds for older and disabled adults are likely to be significantly slower, with a study showing walk speeds at 1.9 miles per hour for these population groups (FHWA, 2006). Thus, the estimates presented in the rest of this report are highly conservative for many individuals, particularly those with disabilities.

49. Walking distances to the nearest ballot drop box, early voting location, and DDS office were very similar to the road distances (above). The median one-way walking times were as follows:

- To the nearest ballot drop box in 2020: 68.1 minutes, with 90 percent of block groups having a one-way walking time between 16.3 minutes and 267 minutes.
- To the nearest ballot drop box in 2022: 102 minutes, with 90 percent of block groups having a one-way walking time between 24.3 minutes and 279 minutes.
- To the nearest early voting location: 75.5 minutes, with 90 percent of block groups having a one-way walking time between 19.3 minutes and 247 minutes.
- To the nearest DDS office location: 163 minutes, with 90 percent of block groups having a one-way walking time between 45.5 minutes and 467 minutes.

D. Spatial Distribution of CVAs by Race/Ethnicity, Disability Status and Auto Ownership

50. The locations and characteristics of CVAs, by race/ethnicity, disability status, and access to a personal vehicle in their household, can be estimated based on United States Census

data at the Census block group level. The Census block group is a spatial unit smaller than a Census tract but larger than a block. It enables the use of highly specific demographic data, using the methods described below, at the smallest reasonable spatial level without sacrificing much accuracy. The spatially smallest possible geographic unit for use with United States Census data is the Census block, but estimation down to this level would introduce too much inaccuracy of demographic data. Thus, the Census block group is the spatially smallest geographic unit with good accuracy for demographic data needed to accurately estimate CVAs and associated demographic characteristics such as race/ethnicity, disability status, and availability of an auto in the household. There are 7,446 block groups in the state, and there are on average about 581 housing units in each block group.

51. Calculating the travel burden for CVAs by race/ethnicity and disability status associated with accessing a ballot drop box, an early voting location, and a DDS office requires estimating how many CVAs there are in each Census block group by race/ethnicity and disability status.

52. I relied on data from the United States Census Bureau 2016-2020 American Community Survey (ACS 2016-20). These are the most accurate data currently available for detailed demographic information about the population, even though changes to the population may have occurred in the last two years.

53. Disability status in ACS 2016-20 block group data is reported for those 18 and over in relation to whether or not those individuals are in a household under or over the poverty income threshold. These block group counts include all civilians of voting age, and all people in the armed forces aged 20-64, by disability status, for whom poverty status is available. Citizenship by age by poverty level is also available at the Census block group level. Using this information, I calculated

a citizens-to-poverty-determined-population ratio which I used to construct a corrected estimate (accounting for armed forces individuals 18-20 and over 65) of CVAs by disability by poverty level for each Census block group.

54. For race/ethnicity data, the method is somewhat more involved. The ACS 2016-20 block group data contains race/ethnicity data, but without an age or citizenship overlay. To estimate the number of CVAs by race/ethnicity down to the Census block group level, I used the ACS 2016-2020 estimates at the Census tract level to obtain the share of residents by race/ethnicity who were citizens of voting age in each Census tract. There are 2,796 Census tracts in Georgia, containing between one and six block groups, with a median of three block groups. I then multiplied these shares by the number of people in each block group for each racial or ethnic group (consistent with the method in Chapa et al., 2011) to estimate CVAs by race/ethnicity at the block group level. In addition, it was necessary to estimate the poverty status of CVAs by race/ethnicity at the block group level in order to conduct a later step of the analysis (auto availability). This was done by calculating at the Census tract level the share of people aged 18 or older by race/ethnicity who are in poverty and multiplying this ratio by the estimated number of CVAs by race/ethnicity in each block group, from the previous step.

55. To estimate auto availability down to the block group level for CVAs by race/ethnicity and disability status, I used data from the American Community Survey Public Use Microdata Sample (ACS PUMS) for Georgia, which allows for a precise estimate of auto ownership for specific subgroups, though across a larger spatial area than that which comprises the block groups. When estimating auto availability, CVAs were distinguished both by race/ethnicity and disability status, but also by poverty status because poverty status is a strong indicator of auto availability. I calculated the share of vehicle access among these population

subsets living in the 72 Public Use Microdata Areas (PUMAs) in the state of Georgia in which the block groups are included. I used these percentage shares to multiply the block group level figures for CVAs by poverty status, race/ethnicity and disability status to determine the share of each that do and do not have access to a personal vehicle in their household.

56. The ACS 2016-20 five-year block group, Census tract, and PUMA estimates are based on a one percent sample conducted every year. Because the ACS is conducted upon a sample of the population, rather than a complete count, its estimates are subject to sampling variability. However, these data are the most precise and spatially specific available data to estimate auto ownership by poverty status, race/ethnicity and disability status for CVAs in the state of Georgia. ACS data from the US Bureau of the Census is the most authoritative data available on the spatial distribution of population in the state of Georgia and in the United States generally.

57. Because there is no generally accepted methodology for aggregating confidence intervals from the Census block group or tract level to higher levels of geography (e.g., to the county or state levels), I report these estimates without confidence intervals. Statewide figures presented in this report are statistically significant at the 0.001 level or better.

58. The output of this stage of the analysis is a spatially specific distribution of demographic information about CVAs that is fairly well documented at the PUMA and Census tract level, down to the Census block group level. This step of the analysis enables a more accurate calculation of travel times due to the greater spatial specificity of Census block groups as compared to PUMAs or Census tracts.

E. Calculating Travel Times by Race/Ethnicity, Disability Status and Auto Ownership

59. To assign a round-trip travel time to any given CVA in any given Census block group, I followed the following rule. First, individuals living in a household with an auto available

will either drive or be driven by another household member to the location in question, unless taking public transportation or walking is faster, in which case the faster of those alternative modes will be assigned. Second, individuals living in a household without an automobile will take public transportation unless walking is faster, in which case they will walk.

60. In order to evaluate the extent to which all Georgia citizens seeking to access a ballot drop box, early voting location, or DDS office will encounter a travel burden, I identified all CVAs in the state who I estimate would have to carry out a round-trip of more than 60 minutes (or in the case of a DDS office, a round-trip of more than 90 minutes). As noted above, having to carry out a round-trip exceeding 60 minutes on any given day would more than double the average amount of discretionary household travel carried out per day by an individual in the state of Georgia; and having to carry out a round-trip of more than 90 minutes means not only more than doubling the average amount of travel carried out per day by a Georgia resident, but also that the travel is almost always done via public transportation or on foot, travel modes which are significantly more onerous than driving.

61. Of the estimated 7.25 million CVAs in Georgia, I calculated that about 6.9 million have access to a vehicle owned by the household, and about 333,000 (4.6 percent) do not. Black CVAs and CVAs with disabilities are much more likely to lack vehicle access. About 9 percent of Black CVAs in Georgia lack a vehicle in the household (three times as high as white CVAs), while about 11 percent of CVAs with a reported disability lack vehicle access (more than three times as high as non-disabled CVAs).

62. In addition to race/ethnicity and disability status, poverty status is a strong indicator of whether a household has access to a personal vehicle and provides a partial explanation for the lower rate of vehicle access among Black CVAs and CVAs with disabilities. Black CVAs and

CVAs with a reported disability have much higher rates of poverty, at 17.4 and 19.7 percent respectively, than do non-Hispanic White CVAs (at 9.8 percent) or CVAs without a reported disability (at 10.6 percent). About 19 percent of Black CVAs below the poverty line lack a vehicle in the household while about 23 percent of CVAs below the poverty line with a reported disability lack vehicle access. These percentages are markedly higher than the percentages for white CVAs at or above the poverty line (2.0 percent) and for CVAs without a reported disability at or above the poverty line (2.4 percent).

63. Demand response transit services were analyzed as a proxy for paratransit services in Georgia. Paratransit services are demand response transit services intended to be made available to individuals who because of their disabilities are unable to use route-based public transportation services. Paratransit services are equivalent to what is called demand response transit except in counties where demand response transit is not limited to people with disabilities. According to the Georgia Statewide Transit Plan, demand response transit services are available in 107 counties. This includes some counties in which fixed-route public transportation is not available. In these counties, demand response transit services or paratransit services may be the only public transportation available to those who lack vehicle access. However, the usage of demand response transit or paratransit services is limited. Each county's demand response transit system on average serves only 36 people per day.

64. An analysis of usage data, fleet size data, and driver employment data revealed that demand response transit services in the state of Georgia are unlikely to adequately accommodate demand for ballot drop boxes and early voting in the state by voters with disabilities. This is because the number of vehicles and drivers is limited and the potential demand from voters with disabilities to access ballot drop boxes and early voting locations, if compared to the take-up

among the general population based on previous elections, is high relative to the existing usage of demand response transit services, particularly given the truncated period of time during which ballot drop boxes and early voting locations are available. Undoubtedly, voters with disabilities will largely be forced to use the available non-paratransit transportation options, or if they are to use paratransit, are likely to have wait times and travel times exceeding 60 minutes.

65. Demand response services are unlikely to adequately serve voting demands in the restricted time period during which ballot drop boxes and early voting locations are available, and when able to do so, are likely to exceed the travel times estimated using the methods described here. The shorter the time period during which ballot drop boxes and early voting locations are available, the more pronounced the difficulties are likely to be. In the case of DDS offices, demand response services may possibly serve to alleviate some of the travel burden for CVAs with disabilities that is estimated in the section below, but it is beyond the scope of this analysis to estimate with specificity the extent to which it would do so. Note, however, that vehicle trips to DDS offices are the longest in distance and duration and may be more difficult to accommodate and schedule on paratransit services. Based on the available evidence, I judge that even for trips to DDS offices, the public transportation and walk-based estimates exceeding 90 minutes round-trip are likely to be mirrored by demand response trips that would exceed 90 minutes of effort including the scheduling delay incurred when having to request demand response services which must typically be requested a day or more in advance.

V. RESULTS

A. Access to Ballot Drop Boxes

66. SB 202 restricted the ability of counties to provide ballot drop boxes by limiting the number of drop boxes to one ballot drop box per county and additional drop boxes equal to the lesser of one per every 100,000 registered voters or the number of early voting locations. (The law

also restricted the days and hours during which drop boxes are available). This resulted in a substantial reduction in the number of ballot drop boxes in the state of Georgia. In the 2020 general election, our data indicate that there were 330 ballot drop boxes in the state. Largely by removing ballot drop boxes in the more densely populated urban counties in the state, in the 2022 general election the number of ballot drop boxes had declined to 207, a 37 percent reduction.² At the same time, about 2.5 percent of the population of Georgia lived in counties that in 2020 did not provide a ballot drop box, while in 2022 these counties were required to do so under the provisions of SB 202. For people living in those counties, ballot drop box access increased in 2022.

67. I therefore analyzed differences in the accessibility of ballot drop boxes in 2020 and 2022 to determine how the changes were distributed in the population according to race/ethnicity and disability status. I found that in 2020, Black CVAs and CVAs with disabilities were far more likely to have a travel burden to access a drop box compared to non-Hispanic white CVAs and CVAs without disabilities, respectively. This difference became significantly greater in magnitude in 2022, when Black CVAs were nearly two-and-a-half times as likely to have a travel burden as non-Hispanic white CVAs, and CVAs with disabilities were almost three times as likely to have a travel burden to access a ballot drop box than CVAs without disabilities. More details are provided below.

68. For the 1,698 block groups for which public transportation travel was faster than walking in 2020, the median total time to travel from home to the nearest in-county drop box location, including walking time to the origin stop and from the destination stop, was 52.9 minutes, round-trip. There was substantial variance. For example, ten percent of block groups had a one-

² I am aware that two other expert reports submitted in the consolidated cases in this matter contain different ballot drop box counts for both the 2020 and 2022 general elections. However, it is my understanding that those reports reflect a similar reduction in the number of ballot drop boxes from 2020 to 2022 of over 35%.

way trip longer than 52.5 minutes to arrive at a drop box location in 2020, or about 1 hour and 45 minutes round-trip.

69. There was a substantial increase in the number of block groups for which public transportation travel was faster than walking in 2022 because of the removal, due to SB 202, of many ballot drop boxes in urban counties like Fulton and DeKalb where walking trips could formerly be made to access a ballot drop box. For the 2,053 block groups for which public transportation travel was faster than walking in 2022, the median total time to travel on public transportation from home to the nearest in-county drop box location, including walking time, was 1 hour and 24.3 minutes, round-trip, an increase of 61 percent in duration compared to 2020. Ten percent of block groups had a one-way public transportation trip longer than 1 hour and 10 minutes to arrive at a drop box location in 2022, or about 2 hours and 20 minutes round-trip.

70. For those driving to the nearest ballot drop box in 2020, the median one-way road network distance between the block group centroid and the nearest drop box was 3.54 miles. In 2022, the median one-way road network distance increased by 51 percent to 5.34 miles. In 2020, the median round-trip driving time to travel that distance and back was 16.8 minutes when averaged over block groups, and 81 percent of block groups had round-trip driving travel times via auto of less than 30 minutes. In 2022, the median round-trip driving duration increased by 36 percent to 22.7 minutes, and 73 percent of block group centroids had round-trip travel times via auto of less than 30 minutes.

71. Compared to 2020, the distribution of drop box locations in 2022 under SB 202 increased accessibility for residents of some parts of the state which received ballot drop boxes where they were unavailable before. At the same time, due to SB 202, ballot drop boxes were reduced in other counties of the state. In 2020, Black CVAs statewide were 36 percent more likely

than non-Hispanic white CVAs to have a round-trip to access a drop box location exceeding an hour, or to have no access to a drop box (6.5 percent of Black CVAs compared to 4.7 percent of non-Hispanic white CVAs), largely because Black CVAs are far more likely to live in a household without a car available. In contrast, in 2022, Black CVAs statewide were 146 percent more likely than non-Hispanic white CVAs to have a round-trip to access a drop box location exceeding an hour (7.3 percent compared to 3.0 percent).

72. Changes to drop box accessibility in 2022 disproportionately benefited people without disabilities compared to people with disabilities. In 2020, CVAs with disabilities were 141 percent more likely than CVAs without disabilities to have a round-trip to access a drop box location exceeding an hour or to have no access to a drop box (10.1 percent of CVAs with disabilities compared to 4.2 percent of CVAs without disabilities). In 2022, the gap increased: CVAs with disabilities statewide were now 193 percent more likely than CVAs without disabilities to have a round-trip exceeding an hour (9.8 percent of CVAs with disabilities compared to 3.3 percent of CVAs without disabilities).

B. Access to Early Voting Locations

73. In addition to ballot drop boxes, early voting locations provide an option for voting that increases the likelihood of finding a convenient time or location to vote. Like ballot drop boxes, early voting locations are not evenly spatially distributed.

74. Based on a similar application of the methods described above for ballot drop boxes, calculating the distances and durations of trips of CVAs from Census block group centroids to early voting locations (as established for the 2022 general election), I estimate that 3.4 percent of CVAs would experience a travel burden exceeding 60 minutes to access an early voting location, almost all of whom lack auto access, and must use public transportation or walk. Black CVAs are more than twice as likely to have a burdensome trip to an early voting location than non-Hispanic

white CVAs, and CVAs with a disability are more than three times as likely to have a burdensome trip than are CVAs without disabilities, as described in more detail below.

75. The fastest travel time between the home location and the nearest early voting location was always via driving. Of the 7,446 block group centroids, in no case was public transportation or walking faster than driving to an early voting location. Public transportation was faster than walking in 2,190 of the 7,446 block groups. In turn, walking was the best or only option in 5,256 block groups in which a vehicle was not available, most obviously in those counties where public transportation is not offered but also when walking was faster than public transportation.

76. For the 2,190 block groups for which public transportation travel was faster than walking, the median total time to travel from home to the nearest in-county early voting location, including walking time, was 1 hour and 1 minute, round-trip. There was, however, substantial variance. For example, ten percent of block groups had a one-way trip longer than 57 minutes to arrive at an early voting location, or 1 hour and 54 minutes round-trip.

77. For driving, the median road distance from block group centroids to the nearest early voting location within the county was 3.9 miles. The vast majority (90 percent) of home locations had roundtrip travel times ranging from 6.4 minutes to 39 minutes, with a median round-trip value of 17.6 minutes when averaged over block groups. Of the 7,446 block group centroids, 6,383, or 86 percent of block group centroids, had round-trip travel times via auto of less than 30 minutes.

78. I conducted an analysis of the relative travel burden for CVAs by race/ethnicity and disability status. As noted above, Black CVAs and persons with disabilities are much less likely to have auto access in the household which makes it substantially more likely that they will experience a travel burden accessing an early voting location.

79. Black CVAs statewide are more than twice as likely as white CVAs to have a round-trip to access an early voting location exceeding an hour, at 5.5 percent in comparison to 2.5 percent, largely because eligible Black voters are far more likely to live in a household without a car available. Even more strikingly, people with disabilities are substantially more likely to experience a travel burden exceeding an hour compared to people without disabilities, with a rate of 8.0 percent across the state, a rate more than three times as high as the 2.6 percent for non-disabled CVAs.

C. Access to DDS Offices

80. Since the trip to a DDS office to procure a photo ID is presumably a one-time need, I used a 90-minute travel time threshold measure to designate a travel burden. As described in more detail below, I estimate that about 4 percent of CVAs in the state would experience such a travel burden in accessing a DDS office. Furthermore, I calculate that Black CVAs have twice the rate of burdensome travel compared to non-Hispanic white CVAs, and CVAs with disabilities have three times the travel burden rate of CVAs without disabilities.

81. The fastest travel time between the home location and the nearest DDS office was via driving for all but two home locations. Public transportation was faster than walking in only 2,392 of the 7,446 block groups. In turn, walking was the best or only option in 5,054 block groups in which a vehicle was not available, most obviously in those counties where public transportation is not offered, but also when it was faster than public transportation.

82. For the 2,392 block groups for which public transportation travel was faster than walking, the median total time to travel from home to the nearest DDS office using public transportation, including walking time, was 1 hour and 52.6 minutes, round-trip. Ten percent of block groups had a one-way trip longer than 1 hour and 39 minutes to arrive at a DDS office, or about 3 hours and 17 minutes round-trip.

83. For driving, the median one-way distance to the nearest DDS office was 8.67 miles, averaged over block groups, with the farthest distance being 55.3 miles. The vast majority (90 percent) of block groups had roundtrip drive times ranging from 12.1 minutes to 56.3 minutes, with a median round-trip value of 31.7 minutes when averaged over block groups. Of the 7,446 block group centroids, 45 percent had round-trip travel times via auto of less than 30 minutes.

84. About 4 percent of CVAs in the state would have a round-trip to access a voter ID location exceeding 90 minutes. This is a significant underestimate of the time burden for those without an existing photo ID, however, because such individuals are less likely to be able to drive themselves even if a vehicle is available in the household (as a driver's license is a valid photo ID for the purpose of voting). About 81 percent of CVAs without auto access would have a public transportation or walking trip exceeding 90 minutes round-trip to access a DDS location.

85. Comparing demographic subgroups to each other I find the biggest differences in DDS office access to be among people with disabilities and those without. About 9.4 percent of CVAs with disabilities would have a round-trip exceeding 90 minutes to access a DDS office, more than three times as high as the rate of 3.1 percent for people without disabilities. The rate among Black CVAs is also significantly higher, at 6.7 percent, more than double the rate of 2.8 percent for non-Hispanic Whites.

VI. CONCLUSION

86. I have analyzed the travel burdens associated with accessing ballot drop boxes (and changes between 2020 and 2022), early voting locations, and DDS locations (for procurement of photo ID) in the state of Georgia. I estimated the distribution of travel times to access these locations which in some cases are burdensome. These time-consuming and uncomfortable trips are disproportionately on public transportation or on foot, due to the fact that the vast majority of households with such long trips do not have access to a personal vehicle. I find that across the

board, Black CVAs are two to three times as likely to have such travel burdens as non-Hispanic white CVAs. I also find that CVAs with disabilities are two to three times as likely to have such travel burdens as CVAs without disabilities. The difference in the case of drop boxes became substantially greater from 2020 to 2022 due to the effects of SB 202. These findings are summarized in Table 3.

Table 3: Share of Group Facing Travel Burden, By Destination				
	Ballot drop boxes, 2020	Ballot drop boxes, 2022	Early voting locations, 2022	DDS offices
Non-Hispanic white CVAs	4.74%	2.98%	2.45%	2.78%
Black CVAs	6.47%	7.34%	5.50%	6.74%
Latinx CVAs	3.95%	3.56%	2.74%	3.10%
CVAs with disability	10.10%	9.78%	8.05%	9.40%
CVAs without disability	4.19%	3.34%	2.60%	3.06%
"Travel burden" defined as 60 minutes round-trip for ballot drop boxes and early voting locations, and 90 minutes round-trip for DDS offices.				

87. For ballot drop box access, in 2020 more than 65 percent of CVAs without auto availability had a round-trip to access a ballot drop box exceeding 60 minutes or did not have access to a drop box, as compared to 5.1 percent of all CVAs. With the generally reduced access to ballot drop boxes in 2022, the rate of those without access to a vehicle who had a round-trip to access a ballot drop box exceeding an hour (or did not have access to a drop box) increased by almost a third, to more than 84 percent. Meanwhile because of better access in outlying parts of the state to drop boxes, due to the requirement that each county have at least one drop box, the overall rate of those with a round-trip exceeding 60 minutes actually declined from 5.1 percent in

2020 to 4.3 percent in 2022. This benefit was almost entirely accrued to CVAs with access to a vehicle in their household.

88. Changes to the availability of drop boxes from 2020 to 2022 disproportionately benefited non-Hispanic white CVAs compared to Black CVAs. They also disproportionately benefited CVAs without disabilities compared to CVAs with disabilities. In 2020, Black CVAs were 36 percent more likely to have a round-trip exceeding 60 minutes to access a drop box or no access to a drop box compared to non-Hispanic white CVAs (6.5 percent compared to 4.7 percent). With the change in 2022, because of an increase in travel burdens for Black CVAs and a decrease in travel burdens for non-Hispanic white CVAs, the differential is now much wider: Black CVAs are now 146 percent more likely to experience a travel burden in order to access a drop box (7.3 percent versus 3.0 percent).

89. The comparison of access to drop boxes between people with and without disabilities is similar. In 2020, CVAs with disabilities were about 141 percent more likely than CVAs without disabilities to have a round-trip exceeding 60 minutes to access a drop box or no access to a drop box (10.1 percent and 4.2 percent respectively). In 2022, the gap widened. Though the fraction of CVAs with disabilities with a long trip to access a drop box declined slightly, the decline was greater for CVAs without disabilities. CVAs with disabilities in 2022 now are 193 percent more likely than CVAs without disabilities to experience a travel burden in order to access a drop box (9.8 percent versus 3.3 percent).

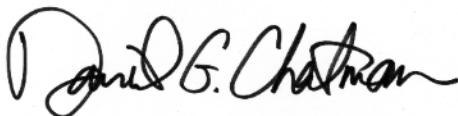
90. Early voting locations are another voting option that is unevenly distributed and much less accessible to CVAs without the means to drive. More than 69 percent of CVAs who lack access to a car would have a round-trip to access an early voting location exceeding 60 minutes, with 3.4 percent of all CVAs having a round-trip to access an early voting location of that

duration. Black CVAs (5.5 percent) and CVAs with disabilities (8.0 percent) are much more likely to experience a travel burden of this duration to access an early voting location than non-Hispanic white CVAs (2.5 percent) or CVAs without disabilities (2.6 percent).

91. Finally, this analysis finds that more than 80 percent of CVAs who lack access to a car would have a round-trip to access a DDS office exceeding 90 minutes, with 4.0 percent of all CVAs having a round-trip to access a DDS office of that duration. Black CVAs (6.7 percent) and CVAs with disabilities (9.4 percent) are from two to three times more likely to have a round-trip exceeding 90 minutes in order to access a DDS office than are non-Hispanic white CVAs (2.8 percent) or CVAs without disabilities (3.1 percent).

92. People under the poverty line are also much more likely to be affected by these burdens across the state, because they are less likely to have access to a personal vehicle in their household. Such long travel durations under uncomfortable or impossible conditions, given age and disability, are likely to dissuade affected voters from availing themselves of these services, and may help to discourage voting altogether by reducing its ease and convenience.

I reserve the right to supplement this report in light of additional facts, testimony, and/or materials that may come to light.

A handwritten signature in black ink, reading "Daniel G. Chatman". The signature is fluid and cursive, with the first name "Daniel" being more prominent than the last name "Chatman".

Dr. Daniel G. Chatman

Dated: January 27, 2023

VII. REFERENCES

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EXHIBIT 17

JOSEPH BLAKE EVANS

February 23, 2023

EXHIBIT 17 JOSEPH BLAKE EVANS February 23, 2023 GEORGIA SENATE BILL 202 1 1 IN THE
UNITED STATES DISTRICT COURT 202 2 3 4 IN

RE: 5 GEORGIA SENATE BILL 202 6

1 6 Plaintiff, vs. Civil Action No. 7 1:21-MI-55555-
JPB 8 Defendants 910 11 DEPOSITION OF 12 JOSEPH BLAKE EVANS 13 14 Thursday,
2 February 23, 2023, 9:02 a.m.(EST) 15 16 17 18 19 20 HELD AT: 21 Taylor English Duma LLP
22 1600 Parkwood Circle, Suite 200 23 Atlanta, Georgia 30339 23

3 24 WANDA L. ROBINSON, CRR, CCR, No. B-1973 Certified Shorthand
Reporter/Notary Public 25 800.211.DEPO (3376) EsquireSolutions.com JOSEPH BLAKE EVANS February 23,
4 2023 GEORGIA SENATE BILL 202 215 1 Like I remember at the county level 2 performing many
5 ADA site surveys at polling 3 locations and that kind of thing. So that wouldn't 4 be something our office
6 would do, but that would be 5 something the county would do. 6 Q I think these questions are going to
7 be 7 fairly general. I'm not going to quiz you about the 8 provisions of the act. 9 So are you aware
8 one way or the other 10 whether the Secretary of State's Office receives 11 federal funds for administering
9 elections? 12 A Yes. 13 Q Are you aware of what the source of those 14 funds is? 15 A
10 We get HAVA funds. 16 Q And do you have an understanding of what 17 those funds are used for? 18
11 A Generally, yes. 19 Q And generally what is your understanding 20 of what they're used for? 21
12 A So I know that we can use them for 22 training county election officials. I believe that 23 2020 we also
13 got dollars that we could distribute to 24 counties for election security grants. 25 So those are the two
14 big umbrellas that I 800.211.DEPO (3376) EsquireSolutions.com YVer1f JOSEPH BLAKE EVANS February 23,
15 2023 GEORGIA SENATE BILL 202 228 1 A I'm not sure there's anything there for a 2 county to
16 implement. 3 Q Fair enough. 4 And in terms of -- are you aware of the 5 provision in SB 202
17 which imposed new criminal 6 penalties for ballot collection? 7 A Yes. 8 Q If those penalties
18 were struck down, in 9 your experience is there anything your office would 10 need to do, apart from issuing
19 guidance to counties? 11 MR. TYSON: Object to form. 12 A Not that I'm aware. 13 Q And
20 you're aware of the provision in SB 14 202 which changed the rules regarding the acceptance 15 of out-of-
21 precinct provisional ballots; is that 16 right? 17 A Yes. 18 Q If a court were to strike down the
22 changes 19 that SB 202 made to those provisions, based on your 20 experience what would your office need
23 to do to 21 implement those? 22 MR. TYSON: Object to form. 23 A We would -- going back to
24 the original 24 answer, I would speak with our counsel, with our 25 attorneys and then based on their
25 guidance we could 800.211.DEPO (3376) EsquireSolutions.com YVer1f

14 Thursday, February 23, 2023, 9:02 a.m.(EST)

20 HELD AT:

21 Taylor English Duma LLP
22 1600 Parkwood Circle, Suite 200
23 Atlanta, Georgia 30339

24 WANDA L. ROBINSON, CRR, CCR, No. B-1973
25 Certified Shorthand Reporter/Notary Public

JOSEPH BLAKE EVANS
GEORGIA SENATE BILL 202

February 23, 2023
215

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JOSEPH BLAKE EVANS
GEORGIA SENATE BILL 202

February 23, 2023
228

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8 Q If those penalties were struck down, in
9 your experience is there anything your office would
10 need to do, apart from issuing guidance to counties?

11 MR. TYSON: Object to form.

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13 Q And you're aware of the provision in SB
14 202 which changed the rules regarding the acceptance
15 of out-of-precinct provisional ballots; is that
16 right?

17 A Yes.

18 Q If a court were to strike down the changes
19 that SB 202 made to those provisions, based on your
20 experience what would your office need to do to
21 implement those?

22 MR. TYSON: Object to form.

23 A We would -- going back to the original
24 answer, I would speak with our counsel, with our
25 attorneys, and then based on their guidance we could

EXHIBIT 18

WILEY IN SUPPORT OF A ME PLAINTEXT AFFIDAVIT OF VOTER INJUNCTION My name is Jacqueline Wiley. I am over the age of 21 and fully competent to make this declaration. Under penalty of perjury, I declare the following based upon my personal knowledge: 1. I currently live in DeKalb County, Georgia. My son, Donald Wiley, and I are registered voters in DeKalb County. He is 45 years old and has been registered in DeKalb County since he was 18. I have been registered in DeKalb County since I was 21. We are members of The Arc Georgia. My son and I strive to vote in every election. 2. I live with my son who has cerebral palsy which substantially impacts his major life activities. He needs assistance to vote, whether by absentee ballot or in

deciding to vote absentee in 2022, I visited my polling location during early voting to see if the layout would be accessible to my son in his power wheelchair. When I arrived, I saw that there was a long line, with no separate line for disabled voters, and that once inside the building, it was very crowded. One of the problems for my son to navigate through the crowds. There was a sign at the front of the line mentioning assistance for people with disabilities, but the crowd of the line meant that I could not see it clearly. As a result, there was no separate

My name is Jacqueline Wiley. I am over the age of 21 and fully competent to make this declaration. Under penalty of perjury, I declare the following based upon my personal knowledge:

1. I currently live in DeKalb County, Georgia. My son, Donald Wiley, and I are registered voters in DeKalb County. He is 45 years old and has been registered in DeKalb County since he was 18. I have been registered in DeKalb County since I was 21. We are members of The Arc Georgia. My son and I strive to vote in every election.

2. I live with my son who has cerebral palsy which substantially impacts his major life activities. He needs assistance to vote, whether by absentee ballot or in person. He uses a power wheelchair, and when he votes in person, I sometimes need to assist him with navigating up to the machine. He also has some motor control issues with his hands, which can make it difficult to correctly hit buttons on voting machines and to carefully fill out absentee ballots. If he is voting in person, I sometimes help him make his selections on the voting machines, and I help him mark his ballot if he is voting absentee.

3. We prefer to vote in person because we want to make sure our ballots are counted on time. However, we voted absentee in 2021 because of concerns about COVID-19. In the future, we would like to vote in person when possible and maintain the option of voting absentee. My son is in a wheelchair and I use a cane, so I am worried that Senate Bill 202's prohibitions on food and water assistance will make waiting in a line worse. My son also has acid reflux and sometimes quickly needs water to handle this condition; if we did not have access to water while in line, we would have to leave the line.

4. I am concerned that with the new law, a lot of people with disabilities will not vote. The school Donald used to attend would help voting-eligible students in the voting process

but now I'm not sure they would provide that assistance anymore under the new law. I am also concerned that students won't be able to fill out all the paperwork themselves, and that they won't be physically able to go vote with the restrictions on food and water in long lines.

5. In November 2022 my son and I voted absentee. We would have preferred to vote in person, but we had concerns about the changes to the rules about waiting in line under the new law. As a parent of a voter with a disability, I am concerned that the inability to receive water or food while in line is a sign that the disabled community and those who support them are being ignored by politicians. I feel like I never hear politicians mention the needs of disabled people like my son, and this law is another sign that the disabled community is not being recognized by elected leaders. If my son or another disabled person needs water to take medicine, or if they start coughing in line, I feel it should not be illegal for water to be provided. I know other parents of disabled voters who feel they can no longer risk voting in person, and who feel, like I do, disgusted that the state is making it harder for disabled people to vote.

6. Prior to deciding to vote absentee in 2022, I visited my polling location during early voting to see if the layout would be accessible to my son in his power wheelchair. When I arrived, I saw that there was a long line, with no separate line for disabled voters, and that once inside the building, it was very crowded. I knew it would be difficult for my son to navigate through the crowds. There was a sign at the front of the line mentioning assistance for people with disabilities, but the crowd of the line meant you could not see it easily. As a result, there was no separate line formed for people with disabilities. I told the poll worker there I would not be able to bring my son to vote because the current set-up did not allow space for a power wheelchair to get through. We'd want to go in person to vote if we could, but feel too concerned about the accessibility issues we might face in doing so.

7. I assisted my son in filling out his absentee ballot in November 2022 by selecting the choices he communicated to me. I signed the ballot as his assistor, noting that I was his mother. I returned his ballot and my absentee ballot by dropping them off at the drop box inside our polling location. I chose the drop box because it is a safer and more convenient option to vote without dealing with long lines or last-minute changes to polling locations. I went without my son because although he would have liked to deposit his own ballot, it was going to be too difficult for him to exit our vehicle and navigate inside the building. I was glad we made that decision because when I went inside, I noticed that the front room where the drop box was located was very narrow and it would have been tight for my son or someone else using a walker or wheelchair to navigate and difficult to maneuver past the other people there. The room with the drop box was crowded with people, which would make it hard for my son to navigate. If the drop box had been located outside, he could have deposited his ballot himself. I want the state to make the drop box location available to people with disabilities to vote by themselves and hope they eventually make this change.

8. My son and I voted in the December 6 runoff election by depositing our absentee ballots in the drop box. I went inside and deposited our ballots because the hallway to the drop box was so narrow and inconvenient for him as a voter with a disability.

9. I, along with other family members of individuals with disabilities, feel that politicians do not speak about the community of people with disabilities enough, and it is very important for my son to exercise his right to vote to make sure that politicians pay attention to the issues that affect him. Under the new law, the drop box program is not accessible to my son. I am extremely concerned about people with disabilities who need assistance to vote and who do not have a family member available to assist them, and what they will do in order to vote

in the future. I am concerned that the new law prevents people like me from offering simple assistance that helps enable people like my son to have their voices heard and I think it is not right that people could go to jail for helping with voting. It feels like the state does not think about us as people with disabilities at all when they pass laws like this. I hope that the state will hear us and recognize that we exist and change these laws so that voters in the disabled population will feel like they can vote.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

May 15, 2023 by Jacqueline Hirdy

EXHIBIT 19

Georgia Senate Bill 202, In Re

EXHIBIT 19 30(b)(6) Devon Orland Christopher February 27, 2023 Georgia Senate Bill 202, In Re Page 1 1 IN
THE UNITED STATES DISTRICT COURT 2 FOR THE NORTHERN DISTRICT OF GEORGIA 3 ATLANTA
DIVISION 4 IN RE GEORGIA SENATE BILL 202)) 5) Master Case No.) 6 1:21-MI-55555-JPB)) 7 8 Page 1
VIDEOTAPED 30(B)(6) DEPOSITION OF 9 THE GEORGIA ADVOCACY OFFICE 10 THROUGH 11 DEVON

ORLAND CHRISTOPHER 12 February 27, 2023 13 10:00 a.m. 14 Taylor English Duma, LLP 15 1600 Parkwood
Circle 16 Suite 200 17 Atlanta, Georgia 18 19 Robin K. Ferrill, CCR-B-1936, RPR 20 21 22 23 24 25 Veritext
Legal Solutions 800.808.4958 770.343.9696 30(b)(6) Devon Orland Christopher February 27, 2023 Georgia
Senate Bill 202, In Re Page 161 1 MS. LIN: Well, so these were a downgrade. 2 After we put our privilege log
together, we 3 realized that, you know, some of them we were 4 probably overcautious and so we produced
them 5 and that changed the privileged log. 6 Q. (By Mr. Bartolomucci) Okay. So if a 7 document is on the
amended privilege log but not on 8 the second amended privileged log, does that mean it 9 was produced?
Those are the ones that -- 10 MS. LIN: It should. If there is something 11 missing, let me know. But, yes, that was
the 12 intention was when we rereviewed the privilege 13 log to produce anything that was not privileged. 14
MR. BARTOLOMUCCI: If a downgraded document 15 was produced, would it have the Bates number at 16 the
far left column with the "GAO PRIV" prefix? 17 MS. LIN: I cannot answer that one right -- 18 sitting here right
now. But if you follow up 19 with me after the deposition, I can provide you 20 with that information. 21 MR.
BARTOLOMUCCI: Thank you very much. 22 A. Are you done with this? 23 Q. (By Mr. Bartolomucci) We are
done with 24 that. 25 Is the GAO aware of any person in Georgia Veritext Legal Solutions 800.808.4958
770.343.9696 30(b)(6) Devon Orland Christopher February 27, 2023 Georgia Senate Bill 202, In Re Page 162 1
who was not able to vote because of the provisions of 2 SB202 that are being challenged in this case? 3 MS.
LIN: Objection. 4 A. Anecdotally, we have heard about people not 5 being able to vote because they couldn't get
rides or 6 because they couldn't get their nursing facility 7 staff to help them or they got to the polls and 8 weren't
able to -- the poll workers refused to help 9 and they didn't have anyone else to help. So we have 10 some
anecdotal stories, but not specifics tied to -- 11 in that way, no. 12 Q. (By Mr. Bartolomucci) Do you know the
names 13 of any of those voters? 14 A. I do not. 15 Q. When you say "anecdotally," did the stories 16 come from
the voters themselves or from someone else? 17 A. Different people. Sometimes from the 18 voters themselves.
Sometimes from family members. 19 Sometimes from people who knew them. 20 Q. Are you able to quantify
how many voters we 21 are talking about? 22 A. No. 23 Q. Is it a lot or a few? 24 A. Those stories we have are
few. We know 25 that it was -- that people struggle. And a lot of Veritext Legal Solutions 800.808.4958
770.343.9696

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THROUGH
DEVON ORLAND CHRISTOPHER
February 27, 2023
10:00 a.m.
Taylor English Duma, LLP
1600 Parkwood Circle
Suite 200
Atlanta, Georgia
Robin K. Ferrill, CCR-B-1936, RPR

1 MS. LIN: Well, so these were a downgrade.
2 After we put our privilege log together, we
3 realized that, you know, some of them we were
4 probably overcautious and so we produced them
5 and that changed the privileged log.

6 Q. (By Mr. Bartolomucci) Okay. So if a
7 document is on the amended privilege log but not on
8 the second amended privileged log, does that mean it
9 was produced? Those are the ones that --

10 MS. LIN: It should. If there is something
11 missing, let me know. But, yes, that was the
12 intention was when we rereviewed the privilege
13 log to produce anything that was not privileged.

14 MR. BARTOLOMUCCI: If a downgraded document
15 was produced, would it have the Bates number at
16 the far left column with the "GAO PRIV" prefix?

17 MS. LIN: I cannot answer that one right --
18 sitting here right now. But if you follow up
19 with me after the deposition, I can provide you
20 with that information.

21 MR. BARTOLOMUCCI: Thank you very much.

22 A. Are you done with this?

23 Q. (By Mr. Bartolomucci) We are done with
24 that.

25 Is the GAO aware of any person in Georgia

1 who was not able to vote because of the provisions of
2 SB202 that are being challenged in this case?

3 MS. LIN: Objection.

4 A. Anecdotally, we have heard about people not
5 being able to vote because they couldn't get rides or
6 because they couldn't get their nursing facility
7 staff to help them or they got to the polls and
8 weren't able to -- the poll workers refused to help
9 and they didn't have anyone else to help. So we have
10 some anecdotal stories, but not specifics tied to --
11 in that way, no.

12 Q. (By Mr. Bartolomucci) Do you know the names
13 of any of those voters?

14 A. I do not.

15 Q. When you say "anecdotally," did the stories
16 come from the voters themselves or from someone else?

17 A. Different people. Sometimes from the
18 voters themselves. Sometimes from family members.
19 Sometimes from people who knew them.

20 Q. Are you able to quantify how many voters we
21 are talking about?

22 A. No.

23 Q. Is it a lot or a few?

24 A. Those stories we have are few. We know
25 that it was -- that people struggle. And a lot of

EXHIBIT 20

Georgia Senate Bill 202, In Re

EXHIBIT 20 30(b)(6) Shannon Mattox February 28, 2023 Georgia Senate Bill 202, In Re Page 1 1 IN THE
UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA 2 ATLANTA DIVISION 3
IN RE: 4 GEORGIA SENATE BILL MASTER CASE 5 202. NO. 1:21-MI-55555-JPB 6

Page 1

7 VIDEOTAPED 30(B)(6) DEPOSITION 8 of The Arc of the United States 9 10
TESTIMONY OF SHANNON MATTOX 11 February 28, 2023 12 9:30 a.m. 13 14 Taken by Remote Video
Conference 15 Atlanta, Georgia 16 17 18 ANGELA ADAMS, RPR, CCR-B-1404 19 20 21 22 23 24 25 Veritext
Legal Solutions 800.808.4958 770.343.9696 30(b)(6) Shannon Mattox February 28, 2023 Georgia Senate Bill
202, In Re Page 90 1 difficult time getting around or getting out because 2 they lack financial resources because
3 of all of the 3 needs of their loved one. So for many reasons. 4 Q. And has Arc determined if any of its 5
4 individuals, individual members or those it assists in 6 voting or mobilizing to vote have had their right to 7 vote
5 denied by the provisions challenged in this 8 action? 9 A. Well, again, I don't -- I can't give you 10 specific
6 examples. I have had many, many, many 11 conversations and meetings, groups, virtual sort of 12 town hall type
7 of, you know, forums where people have 13 definitely expressed how this has either kept them from 14 or made
8 it harder for them to vote. 15 Q. And based on the answers that you have 16 provided by not being able to point
9 to specific 17 examples, would it be fair to say that you would not be 18 able to identify how many members were
10 not able to vote 19 because of the challenge presented? 20 A. I don't have any numbers. And it is not that 21 I
11 can't say. It is just that there is so many. Right 22 now in this moment, I don't have an example for you. 23 Q. And
12 of those examples that you are thinking 24 of of members who were not able to vote, can you 25 recollect why
13 those members were not able to vote? Veritext Legal Solutions 800.808.4958 770.343.9696 30(b)(6) Shannon
Mattox February 28, 2023 Georgia Senate Bill 202, In Re Page 91 1 A. For the reasons that I stated like two 2
3 questions ago. Maybe they don't write. They can't 3 write. They are physically unable to, you know, use 4 their
4 hands. They can't get out. They lack the 5 resources to pay for transportation. They don't drive. 6 They are
5 unable to drive. They -- limited number of 7 drop boxes. 8 Different -- for many reasons, depending on 9 their
6 circumstance and where they are, what they have 10 access to or don't have access to, impacted people 11
7 with color and people with disabilities. 12 Q. And of those members that you just 13 identified in those examples
8 that you are thinking of, 14 were there alternative means based on those burdens? 15 So for example, not being
9 able to drop off 16 at the drop-off -- the drop boxes? Were there 17 alternative means that were provided or
10 discussed with 18 those members on how to exercise their right to vote? 19 A. We provided -- to my knowledge
11 and from my 20 experience, we provided the community that we serve 21 with as much information about the
12 laws of -- so that 22 they could be as prepared as possible. I can't tell 23 you what alternative each individual had
13 in their 24 household or if they -- every -- you know, how many 25 people could not or couldn't drive or is unable to
14 Veritext Legal Solutions 800.808.4958 770.343.9696

February 28, 2023

9:30 a.m.

Taken by Remote Video Conference

Atlanta, Georgia

ANGELA ADAMS, RPR, CCR-B-1404

1 difficult time getting around or getting out because
2 they lack financial resources because of all of the
3 needs of their loved one. So for many reasons.

4 Q. And has Arc determined if any of its
5 individuals, individual members or those it assists in
6 voting or mobilizing to vote have had their right to
7 vote denied by the provisions challenged in this
8 action?

9 A. Well, again, I don't -- I can't give you
10 specific examples. I have had many, many, many
11 conversations and meetings, groups, virtual sort of
12 town hall type of, you know, forums where people have
13 definitely expressed how this has either kept them from
14 or made it harder for them to vote.

15 Q. And based on the answers that you have
16 provided by not being able to point to specific
17 examples, would it be fair to say that you would not be
18 able to identify how many members were not able to vote
19 because of the challenge presented?

20 A. I don't have any numbers, and it is not that
21 I can't say. It is just that there is so many. Right
22 now in this moment, I don't have an example for you.

23 Q. And of those examples that you are thinking
24 of of members who were not able to vote, can you
25 recollect why those members were not able to vote?

1 A. For the reasons that I stated like two
2 questions ago. Maybe they don't write. They can't
3 write. They are physically unable to, you know, use
4 their hands. They can't get out. They lack the
5 resources to pay for transportation. They don't drive.
6 They are unable to drive. They -- limited number of
7 drop boxes.

8 Different -- for many reasons, depending on
9 their circumstance and where they are, what they have
10 access to or don't have access to, it impacted people
11 with color and people with disabilities.

12 Q. And of those members that you just
13 identified in those examples that you are thinking of,
14 were there alternative means based on those burdens?

15 So for example, not being able to drop off
16 at the drop-off -- the drop boxes? Were there
17 alternative means that were provided or discussed with
18 those members on how to exercise their right to vote?

19 A. We provided -- to my knowledge and from my
20 experience, we provided the community that we serve
21 with as much information about the laws of -- so that
22 they could be as prepared as possible. I can't tell
23 you what alternative each individual had in their
24 household or if they -- every -- you know, how many
25 people could or couldn't drive or is unable to

EXHIBIT 21

ROBERT GABRIEL STERLING

April 06, 2023

EXHIBIT 21 ROBERT GABRIEL STERLING April 06, 2023 IN RE: GEORGIA SENATE BILL 202
 IN RE: GEORGIA SENATE BILL 202 FOR THE NORTHERN DISTRICT OF
 GEORGIA 2 3 4 IN RE: 5 GEORGIA SENATE BILL 202

1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE NORTHERN DISTRICT OF GEORGIA
 3 VIDEO TAPE DEPOSITION OF ROBERT GABRIEL
 4 STERLING 13 14 Thursday, April 6, 2023, 10:08 a.m.(EST) 15 16 17 18 19 20 HELD AT: 21
 22 Taylor English Duma LLP 23 24 1600 Parkwood Circle, Suite 200 25 Atlanta, Georgia 26
 27 30339 28 29 WANDA L. ROBINSON, CRR, CCR, No. B-1973
 30 Certified Shorthand Reporter/Notary Public 25 8 0 0 . 2 1 1 . D E P O (3 3 7 6) E s q u i r e S o l u t i o n s . c o m
 31 ROBERT GABRIEL STERLING April 06, 2023 IN RE: GEORGIA SENATE BILL 202 72 1
 32 IN RE: 33 A Yes, ma'am. 34 Q I'd like you to look at the third 35 paragraph, beginning with "Raffensperger." 36
 37 It states: "Raffensperger noted numerous 38 security measures in place to secure the vote and 39 increase
 40 public confidence in the election process." 41 Do you have any reason to doubt the 42 accuracy of
 43 that statement? 44 A Of the statement of what we knew at the 45 time, no, I have no doubt about that. 46
 47 Q Okay. The press release goes on to list 48 several bullet points regarding the numerous 49 security
 50 measures mentioned. 51 The first is that absentee drop boxes were 52 locked at 7 p.m. on -- p.m.,
 53 Tuesday evening, 54 preventing illegal voting or potential fraud. 55 Is that correct? 56 A Yes, that's correct. 57
 58 statement correct? Because we do 59 now evidence that some counties were a multiple times locking
 60 them. But essentially they 61 were within -- I think the latest one was maybe 62 eight minutes, that we're
 63 aware of. That's not a 64 hundred percent accurate but it's pretty darn close. 65 Q So with the exception
 66 of a few counties 8 0 0 . 2 1 1 . D E P O (3 3 7 6) E s q u i r e S o l u t i o n s . c o m YVer1f ROBERT GABRIEL
 67 STERLING April 06, 2023 IN RE: GEORGIA SENATE BILL 202 73 1 possibly picking up eight
 68 minutes after the 7:00 2 p.m. deadline, this is an accurate statement? 3 A Or locking them. 4 Q
 5 Sorry. 6 -- locking them, it's an accurate 6 statement? 7 A Yes. 8 Q Okay. The second
 9 bullet is something you 9 mentioned earlier. It says: "Surveillance cameras 10 monitored drop boxes at all
 10 times." 11 Is that an accurate statement? 12 A As far as we're aware, yes. 13 Q And based
 11 on your knowledge and experience 14 as the voting system implementation manager during 15 2020, and a
 12 little late 2019, were you confident 16 that the existing security measures in place for the 17 absentee ballot
 13 drop boxes during the 2020 election 18 were in fact adequate to prevent widespread illegal 19 voting? 20
 14 A Yes. 21 Q Mr. Sterling, is it true the counties 22 were authorized to use drop boxes prior to SB 202?
 23 A Not statutorily. Only by a SEB rule. 24 They were pursuant to an emergency order, and that 25
 15 emergency order expired. But for SB 202, drop boxes 8 0 0 . 2 1 1 . D E P O (3 3 7 6) E s q u i r e S o l u t i o n s . c o m
 16 YVer1f ROBERT GABRIEL STERLING April 06, 2023 IN RE: GEORGIA SENATE BILL 202 157 1
 17 A You said through Page 7, Line 11, we're 2 going? 3 Q Page 5, Line 11. 4 A
 14 But the ending point. 5 The ending point, April 1, 2023, 10:08 a.m.(EST) 6
 15 A Okay. 8 Q So if I can direct you first to Page 5, 9 Lines 23, and then a couple lines on the next
 16 page. 10 A Uh-hum. (Affirmative.) 11 Q You refer to the jox pop -- the drop box 12 provision as
 17 "probably the most easily claimed as 13 making a barrier that didn't exist before." 14 Is that correct? 15
 16 A Yes. 16 Q And then if we go to Page 6, Lines 10 17 through 14, you say: "Personally, I would
 18 have said 18 the whole point of the drop box is to have it 19 outside so they can go drop off ballots 24 hours a
 20 day. We had them under video surveillance. There 21 was ways to do that better than putting them inside
 17 22 the room." 23 Did I read that correctly? 24 A Yes. 25 Q And so you said that the whole
 18 point of 8 0 0 . 2 1 1 . D E P O (3 3 7 6) E s q u i r e S o l u t i o n s . c o m YVer1f ROBERT GABRIEL STERLING
 19 April 06, 2023 IN RE: GEORGIA SENATE BILL 202 158 1 the drop box is to have it outside,
 20 correct? 2 A In my personal opinion, yes. 3 Q Why? 4 A Well, the intention before was
 21 because of 5 COVID to have them outside and that way you could be 6 outside of other business hours,
 22 which might be 7 easier for some people to do, and I personally think 8 that having them under video
 23 surveillance was a 9 better level of security than the preexisting system 10 was where they could take them
 24 and drop them into a 11 USPS box 24 hours a day, in a similar kind of way, 12 without video surveillance. 13
 20 So I believe drop boxes, the intention of 14 them was to make it as easy as possible for voters 15 to vote. I
 21 personally -- and, again, but I'm not a 16 legislator, so I didn't get to make that decision. 17 That's why I said I
 22 would have written it 18 differently had I been king for a day, but I didn't have that luxury. 20 Q
 23 Because now that the drop boxes are inside 21 the buildings, they are not open for drop off 24 hours a day,
 22 correct? 23 A Yes. And even when I stood in line to 24 early vote for about 20 minutes in Sandy Springs,
 25 I 25 saw eight people go in and drop them off. So I 8 0 0 . 2 1 1 . D E P O (3 3 7 6) E s q u i r e S o l u t i o n s . c o m
 26 YVer1f ROBERT GABRIEL STERLING April 06, 2023 IN RE: GEORGIA SENATE BILL 202 162 1
 27 I believe. But, again, a lot -- a lot of the way 2 legislation is done, regardless of elections or 3
 24 anything else, is anecdotes and individuals going to 4 legislators saying I think this, I feel this, I saw 5 this, I
 25 heard this. 6 So that is what is driving parts of this, 7 I'm sure. Or back at that time. 8 Q And
 26 you said that you disagreed with the 9 legislators who felt that the security of the 10 cameras for drop boxes
 27 wasn't good enough, correct? 11 A Personally I did, yes. 12 Q Let's go to another question and
 28 answer in 13 this interview. 14 You can start on the top of Page 12, and 15 go to the end of that answer,
 29 near the top of Page 16. 13 17 (Witness reviews exhibit.) 18 A Through Line 4? 19 Q Yes.
 30 A Okay. 21 (Witness reviews exhibit.) 22 A Okay. 23 Q So you said that as a result
 31 of SB 202, 24 there are fewer drop boxes in Fulton County, 25 correct? 8 0 0 . 2 1 1 . D E P O (3 3 7 6) E s q u i r e
 32 YVer1f ROBERT GABRIEL STERLING April 06, 2023 IN RE: GEORGIA SENATE BILL 202 163 1
 33 EN RE: 34 So that in and of itself actually does 35 make 36
 37 Q But as you testified previously, you 38 disagree with folks who said that the drop -- that 39 the security
 40 provisions for drop boxes prior to SB 41 202 were in any way inadequate, correct? 42 A Correct. 43
 44 You can put that away. 45 A Okay. Coming back to it or done with it, 46 you think? 47 Q We're

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1 A Yes, ma'am.

2 Q I'd like you to look at the third
3 paragraph, beginning with "Raffensperger."

4 It states: "Raffensperger noted numerous
5 security measures in place to secure the vote and
6 increase public confidence in the electoral
7 process."

8 Do you have any reason to doubt the
9 accuracy of that statement?

10 A Of the statement of what we knew at the
11 time, no, I have no doubt about that.

12 Q Okay. The press release goes on to list
13 several bullet points regarding the numerous
14 security measures mentioned.

15 The first is that absentee drop boxes were
16 locked at 7 p.m. on -- p.m., Tuesday evening,
17 preventing illegal voting or potential fraud.

18 Is that correct?

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20 now evidence that some counties were a couple
21 minutes late locking them. But essentially they
22 were within -- I think the latest one was maybe
23 eight minutes, that we're aware of. That's not a
24 hundred percent accurate but it's pretty darn close.

25 Q So with the exception of a few counties

ROBERT GABRIEL STERLING
IN RE: GEORGIA SENATE BILL 202

April 06, 2023

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1 possibly picking up eight minutes after the 7:00
2 p.m. deadline, this is an accurate statement?

3 A Or locking them.

4 Q Sorry.

5 -- locking them, it's an accurate
6 statement?

7 A Yes.

8 Q Okay. The second bullet is something you
9 mentioned earlier. It says: "Surveillance cameras
10 monitored drop boxes at all times."

11 Is that an accurate statement?

12 A As far as we're aware, yes.

13 Q And based on your knowledge and experience
14 as the voting system implementation manager during
15 2020, and a little late 2019, were you confident
16 that the existing security measures in place for the
17 absentee ballot drop boxes during the 2020 election
18 were in fact adequate to prevent widespread illegal
19 voting?

20 A Yes.

21 Q Mr. Sterling, is it true that counties
22 were authorized to use drop boxes prior to SB 202?

23 A Not statutorily. Only by a SEB rule.
24 They were pursuant to an emergency order, and that
25 emergency order expired. But for SB 202, drop boxes

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IN RE: GEORGIA SENATE BILL 202

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1 A You said through Page 7, Line 11, we're
2 going?

3 Q Page 5, Line 11.

4 A But the ending point.

5 Q Yes, Page 7, Line 11. My apologies.

6 (Witness reviews exhibit.)

7 A Okay.

8 Q So if I can direct you first to Page 5,
9 Lines 23, and then a couple lines on the next page.

10 A Uh-hum. (Affirmative.)

11 Q You refer to the jox pop -- the drop box
12 provision as "probably the most easily claimed as
13 making a barrier that didn't exist before."

14 Is that correct?

15 A Yes.

16 Q And then if we go to Page 6, Lines 10
17 through 14, you say: "Personally, I would have said
18 the whole point of the drop box is to have it
19 outside so they can go drop off ballots 24 hours a
20 day. We had them under video surveillance. There
21 was ways to do that better than putting them inside
22 the room."

23 Did I read that correctly?

24 A Yes.

25 Q And so you said that the whole point of

ROBERT GABRIEL STERLING
IN RE: GEORGIA SENATE BILL 202

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1 the drop box is to have it outside, correct?

2 A In my personal opinion, yes.

3 Q Why?

4 A Well, the intention before was because of
5 COVID to have them outside and that way you could be
6 outside of other business hours, which might be
7 easier for some people to do, and I personally think
8 that having them under video surveillance was a
9 better level of security than the preexisting system
10 was where they could take them and drop them into a
11 USPS box 24 hours a day, in a similar kind of way,
12 without video surveillance.

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14 them was to make it as easy as possible for voters
15 to vote. I personally -- and, again, but I'm not a
16 legislator, so I didn't get to make that decision.
17 That's why I said I would have written it
18 differently had I -- if I was king for a day, but I
19 don't have that luxury.

20 Q Because now that the drop boxes are inside
21 the buildings, they are not open for dropoff 24
22 hours a day, correct?

23 A Yes. And even when I stood in line to
24 early vote for about 20 minutes in Sandy Springs, I
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1 I believe. But, again, a lot -- a lot of the way
2 legislation is done, regardless of elections or
3 anything else, is anecdotes and individuals going to
4 legislators saying I think this, I feel this, I saw
5 this, I heard this.

6 So that is what is driving parts of this,
7 I'm sure. Or back at that time.

8 Q And you said that you disagreed with the
9 legislators who felt that the security of the
10 cameras for drop boxes wasn't good enough, correct?

11 A Personally I did, yes.

12 Q Let's go to another question and answer in
13 this interview.

14 You can start on the top of Page 12, and
15 go to the end of that answer, near the top of Page
16 13.

17 (Witness reviews exhibit.)

18 A Through Line 4?

19 Q Yes.

20 A Okay.

21 (Witness reviews exhibit.)

22 A Okay.

23 Q So you said that as a result of SB 202,
24 there are fewer drop boxes in Fulton County,
25 correct?

ROBERT GABRIEL STERLING
IN RE: GEORGIA SENATE BILL 202

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1 harvesting. So that in and of itself actually does
2 make it more secure.

3 Q But as you testified previously, you
4 disagree with folks who said that the drop -- that
5 the security provisions for drop boxes prior to SB
6 202 were in any way inadequate, correct?

7 A Correct.

8 Q You can put that away.

9 A Okay. Coming back to it or done with it,
10 you think?

11 Q We're done with it.

12 Do you know what the American Legislative
13 Exchange Council is, or ALEC?

14 A Yes. Before we get into this.

15 MR. TOPAZ: Can we go off the record,
16 please.

17 THE VIDEOGRAPHER: The time is 3:44 p.m.
18 We're off the record.

19 (A recess was taken.)

20 THE VIDEOGRAPHER: The time is 3:52 p.m.,
21 and we are back on the record.

22 BY MR. TOPAZ:

23 Q Mr. Sterling, we were talking just before
24 the break about your familiarity with ALEC, or the
25 American Legislative Exchange Council?

**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

**[PROPOSED] ORDER GRANTING AFRICAN METHODIST EPISCOPAL CHURCH
PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION**

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 SIXTH DISTRICT OF THE AFRICAN METHODIST EPISCOPAL CHURCH, et al., Civil Action No.: 1:21- cv-01284-JPB Plaintiffs, v. BRIAN KEMP, Governor of the State of Georgia, In his official capacity, et al., Defendants, REPUBLICAN NATIONAL COMMITTEE, et al., Intervenor-Defendants. [PROPOSED] ORDER GRANTING AME PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION THIS MATTER comes before this Court on Plaintiffs' Motion for a Preliminary Injunction. Upon considering the Motion and supporting authorities in this Motion, the responses from the Defendants, and the evidence and pleadings of record, this Court finds that: 1. Plaintiffs are highly likely to succeed on the merits of their claim that the provision of Ga. Code Ann. 21-2-568(a)(5) felonizing ballot return assistance by assistors other than those set forth in Ga. Code Ann. §§ 21-2-385(a) violates the Americans with Disabilities Act (42 U.S.C. § 12131 et seq.) and Section 504 of the Rehabilitation Act (29 U.S.C. § 794); 2. Plaintiffs are highly likely to succeed on the merits of their claim that restricting the location and available hours of absentee ballot drop boxes as set forth in Ga. Code Ann. § 21-2-382(c)(1) violates the Americans with Disabilities Act (42 U.S.C. § 12131 et seq.) and Section 504 of the Rehabilitation Act (29 U.S.C. § 794); 3. Plaintiffs will be irreparably harmed because voters with disabilities will be denied equal access to the State's absentee voting program if this motion is not granted; 4. The balance of equities tips in Plaintiffs' favor; and 5. The requested equitable relief is in the public interest. It is hereby ORDERED that Plaintiffs' Motion for a Preliminary Injunction is GRANTED, and 1. Defendants, their respective agents, officers, employees, and successors, and all persons acting in concert with them, are hereby ENJOINED from enforcing, until this Court renders a final judgment, the provisions of Ga. Code Ann. § 21-2-568(a)(5). Defendants are also hereby ordered to modify the voter and assistor oath on absentee ballots required by Ga. Code Ann. §§ 21-2-384(b) and (c), and relevant instructions to the public and election officials as required by Ga. Code Ann. § 21-2-384(b), to state that, notwithstanding the limitations contained in Ga. Code Ann. § 21-2-385(a), voters with disabilities are entitled to receive assistance in mailing or delivering their completed absentee ballots from the person of their choice, other than their employer or agent of that employer or officer or agent of their union. 2. Defendants, their respective agents, officers, employees, and successors, and all persons acting in concert with them, are hereby ENJOINED from enforcing, until this Court renders a final judgment, those provisions of Ga. Code Ann. § 21-2-382(c)(1) that require counties to locate drop boxes inside the offices of the board of registrars or inside advance voting locations, that require that such drop boxes be closed when voting is not being conducted, and that surveillance of such drop boxes be conducted by an individual listed in that section. IT IS SO ORDERED this ____ day of _____, 2023, Hon. J. P. Boulee United States District Judge, Northern District of Georgia.

1. Plaintiffs are highly likely to succeed on the merits of their claim that the provision of Ga. Code Ann. 21-2-568(a)(5) felonizing ballot return assistance by assistors other than those set forth in Ga. Code Ann. §§ 21-2-385(a) violates the Americans with Disabilities Act (42 U.S.C. § 12131 et seq.) and Section 504 of the Rehabilitation Act (29 U.S.C. § 794);
2. Plaintiffs are highly likely to succeed on the merits of their claim that restricting the location and available hours of absentee ballot drop boxes as set forth in Ga. Code Ann. § 21-2-382(c)(1) violates the Americans with Disabilities Act (42 U.S.C. § 12131 et seq.) and Section 504 of the Rehabilitation Act (29 U.S.C. § 794);
3. Plaintiffs will be irreparably harmed because voters with disabilities will be denied equal access to the State's absentee voting program if this motion is not granted;
4. The balance of equities tips in Plaintiffs' favor; and
5. The requested equitable relief is in the public interest.

It is hereby:

ORDERED that Plaintiffs' Motion for a Preliminary Injunction is
GRANTED, and

1. Defendants, their respective agents, officers, employees, and successors, and all persons acting in concert with them, are hereby ENJOINED from enforcing, until this Court renders a final judgment, the provisions of Ga. Code Ann. § 21-2-568(a)(5). Defendants are also hereby ordered to modify the voter and assistor oath on absentee ballots required by Ga. Code Ann. §§ 21-2-384(b) and (c), and relevant instructions to the public and election officials as required by Ga. Code Ann. § 21-2-384(b), to state that, notwithstanding the limitations contained in Ga. Code Ann. § 21-2-385(a), voters with disabilities are entitled to receive assistance in mailing or delivering their completed absentee ballots from the person of their choice, other than their employer or agent of that employer or officer or agent of their union.
2. Defendants, their respective agents, officers, employees, and successors, and all persons acting in concert with them, are hereby ENJOINED from enforcing, until this Court renders a final judgment, those provisions of Ga. Code Ann. § 21-2-382(c)(1) that require counties to locate drop boxes inside the offices of the board of registrars or inside advance voting locations, that require that such

drop boxes be closed when voting is not being conducted, and that surveillance of such drop boxes be conducted by an individual listed in that section.

IT IS SO ORDERED this _____ day of _____, 2023.

Hon. J. P. Boulee
United States District Judge
Northern District of Georgia