

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

IN RE GEORGIA SENATE BILL 202

Master Case No.  
1:21-MI-55555-JPB

UNITED STATES OF AMERICA,

Plaintiff

v.

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

THE STATE OF GEORGIA, *et al.*,

Defendants

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

Plaintiffs

v.

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

BRIAN KEMP; *et al.*,

Defendants

THE NEW GEORGIA PROJECT, *et al.*,

Plaintiffs

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

v.

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BRAD RAFFENSPERGER, *et al.*,

Defendants

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

Plaintiffs

v.

BRAD RAFFENSPERGER, *et al.*,

Defendants

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

Plaintiffs

v.

BRAD RAFFENSPERGER, *et al.*,

Defendants

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

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

**PLAINTIFFS' JOINT MOTION FOR PRELIMINARY INJUNCTION**

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

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

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

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

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

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

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

Date: May 30, 2023

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**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(D)**

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

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## CERTIFICATE OF SERVICE

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

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