

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

**COALITION FOR GOOD
GOVERNANCE, RHONDA J.
MARTIN, JEANNE DUFORT,
AILEEN NAKAMURA, B. JOY
WASSON, AND ELIZABETH
THROOP,**

Plaintiffs,

v.

BRAD RAFFENSPERGER, et al.,

Defendants.

Civil Action No. 1:20-cv- 01677 -TCB

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Pursuant Rule 65 of the Rules of Civil Procedure,¹ Plaintiffs Coalition for Good Governance, Rhonda J. Martin, Jeanne Dufort, Aileen Nakamura, B. Joy Wasson, and Elizabeth Throop move the Court to order Defendants:

¹ Pursuant to Local Rule 65.2, Plaintiffs are filing herewith a Motion to Waive Usual Rules to allow for the filing of this Motion without a supporting brief, which brief, if the Court grants said motion, will be filed by April 29, 2020.

1. To conduct the elections currently scheduled for June 9, 2020 on June 30, 2020, and to adjust all other deadlines and activities (such as early and absentee voting), accordingly;

2. To direct superintendents to replace touchscreen ballot market devices (“BMDs”) with hand marked paper ballots. However, BMDs should continue to be used for voters requiring assistive technology, if no better alternatives are proposed by the Secretary for assistive technology. After every use of the BMD touchscreens, the touchscreen should be powered down and thoroughly cleaned by vendor-approved disinfectant cleaner;

3. To direct superintendents that for the primary and primary runoff elections, the number of hand marked paper ballot private voting stations may be at the discretion of the superintendent after evaluating the anticipated turnout after two weeks of early voting rather than the statutory minimum of one station for every 250 electors;

4. To allow superintendents to operate early voting centers during the weekend and the Monday prior to Election Day;

5. To direct each superintendent to provide at least one curbside voting location using hand marked paper ballots; and direct superintendents of counties

with 100,000 or more registered voters to provide an additional curbside voting location for every 100,000 voters or fraction thereof;

6. To allow superintendents to process and prepare mail ballots upon receipt for scanning beginning Monday before Election Day, and for tabulation not before the close of the polls;

7. To accept as timely cast: (a) absentee ballots post-marked no later than Election Day and received up to three days after Election Day; (b) absentee ballots arriving by mail that are not post-marked but received by the day after Election Day; (c) absentee ballots post-marked no later than Election Day by voters covered by the Uniformed and Overseas Citizen Voting Act (“UOCAVA”) received by the final day before the superintendent’s certification of election results, which is the second Friday following the election. (O.C.G.A. §21-2-493(k));

8. To require that superintendents permit in-person voters: (a) in lieu of the voter signing the voter certificates, the superintendents administer and document oral oaths by the voter incorporating the same content as the written oath and (b) in lieu of presenting original identification, to present a legible disposable paper copy of same;

9. To require superintendents to appoint absentee ballot clerks at polling locations and authorize them to: (a) provide absentee ballot applications to voters; (b) issue mail ballot packets to voters upon determination of such voter's eligibility; and (c) verify and accept completed mail ballot packets;

10. To allow voters to present their affidavit to cure provisional ballots, or discrepant signatures on returned mail ballot envelopes, prior to the final day for the superintendent's certification of election results, which is the second Friday following the election. (O.C.G.A. §21-2-493(k));

11. With respect to physical distancing and personal protective equipment ("PPE"), to provide superintendents with an sufficient supply of said PPE, which PPE shall be of the kind recommended by the Department of Community Health or the Centers for Disease Control, and to direct superintendents to (a) require pollworkers and election staff to wear approved masks and, where appropriate, gloves; (b) provide voters with disposable masks and require masks while on the grounds of the polling place; (c) mark off distances on the polling place floor and outside the polling place where lines form and require voters remain at least six feet apart from each other; (d) provide state-funded clear plastic barriers between

the poll workers' stations and the voters; and (e) separate all voting stations so that they are at least six feet apart at their closest edges;

12. To direct superintendents to allow appointed pollwatcher activities and meaningful public observation of the processes of mail ballot issuance, acceptance, and tabulation;

13. To send mail ballot applications for the upcoming June election to the mailing address of those voters whose mailing address is different than their residential address;

14. To count March Ballots (that is, absentee mail ballots that were originally issued for the March 24, 2020 election before that election was postponed) received by June 9 (or the day that the June 9 election is moved to) unless duplicate votes for the March races are received from the same voter;

15. To instruct superintendents to record and report accurate information regarding absentee ballot application and ballot issuance in databases for upload into the daily county reports for publication on the Secretary's website and the My Voter Pages records, and to promptly correct any information on said records that is incorrect; and to use the corrected records provided by the superintendents to correct the My Voter Page records on the Secretary's site;

16. To direct superintendents to establish an emergency fail-safe opportunity for voters to vote at assigned polling place locations that were closed without the 60 day notice period required by O.C.G.A. § 21-2-265, by using a “pop-up” temporary unit to issue and accept ballots from in-person voters who are unable or choose not to vote at the replacement polling place after being redirected to the new polling place;

17. To issue the rules and regulations necessary to undertake the foregoing and to promote an orderly, secure and fair election.

In addition, Plaintiffs move this Court to grant such other and further relief that may be required relating to the pandemic and Georgia’s elections, the necessity for which may be revealed prior to or during the hearing on this matter.

This 26th day of April, 2020.

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CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing pleading has been prepared in accordance with the font type and margin requirements of LR 5.1, using font type of Times New Roman and a point size of 14.

/s/ Bruce P. Brown

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CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2020, a copy of the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which will automatically send notification of such filing to all attorneys of record.

/s/ Bruce P. Brown
Bruce P. Brown