

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

Georgia Muslim Voter Project, et al.,

Plaintiffs,

v.

**BRAD RAFFENSPERGER, in his
official capacity as Secretary of State for
the State of Georgia, et al.,**

Defendants.

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CA No. 1:18cv4789-LLM

JOINT STIPULATION OF DISMISSAL

COME NOW the Parties in the above referenced litigation and hereby stipulate that the above-styled action be dismissed with prejudice, pursuant to FED. R. CIV. P. 41(a)(1)(A).

Plaintiffs filed this lawsuit on October 16, 2019, challenging the constitutionality of O.C.G.A. §§ 21-2-381 and 21-2-386. On October 24, 2018 this Court entered a Temporary Restraining Order enjoining Defendants from rejecting both absentee ballot applications and absentee ballots, due to election officials' judgment that the signature on the application or ballot did not match the signature in the voter's file, without the additional procedural safeguards set out by the Court. Doc. 28 at 29-30.

On April 2, 2019, HB 316 (Act 24) was signed into law. This legislation revises, among other things, the state's absentee ballot laws. Secs. 27, 30, 31, and 32 of HB 316 in particular, are relevant to the issues underlying the claims in this case. Sec. 27 of HB 316 provides that:

an absentee ballot application shall not be rejected due to an apparent mismatch between the signature of the elector on the application and the signature of the elector on file with the board of registrars.

Exhibit 1 p. 20 (amending O.C.G.A. § 21-2-381(b)(3)). The new legislation goes on to provide that where election officials determine the signatures do not match on an absentee ballot application, a provisional ballot is to be issued and if the elector casts that provisional ballot, the elector is provided an opportunity to cure the signature discrepancy through the period for verifying provisional ballots in O.C.G.A. § 21-2-419. *Id.*

Sec. 30 of HB 316 amends O.C.G.A. § 21-2-384 to eliminate the request for an elector's date or year of birth and address. Exhibit 1 p. 23.

Sec. 32 of HB 316 amends O.C.G.A. § 21-2-386 to provide that electors whose absentee ballots are returned without a signature, or with a signature that fails to match a signature on record, have until the end of the provisional ballot period to cure the signature. Exhibit 1 p. 27. Electors can cure the signature discrepancy with an affidavit and a copy of one form of identification set out in O.C.G.A. § 21-2-417(c). *Id.*

The parties agree that the changes to O.C.G.A. §§ 21-2-381 and 21-2-386 in HB 316 make further litigation unnecessary.

Respectfully submitted,

<p>By: <u>/s/ Sean Young</u> Sean Young (Ga. Bar No. 790399) ACLU Foundation of Georgia, Inc. 1100 Spring St., NW, Suite 640 Atlanta, GA 30357 678-981-5295 syoun@acluga.org</p> <p>Dale E. Ho Sophia Lin Lakin ACLU Foundation 125 Broad Street 18th Floor New York, NY 10004 212-284-7332 slakin@aclu.org</p> <p><i>Attorneys for Plaintiffs</i></p>	<p>By: <u>/s/ Cristina M. Correia</u> Christopher M. Carr 112505 Attorney General</p> <p>Annette M. Cowart 191199 Deputy Attorney General</p> <p>Russell D. Willard 760280 Senior Assistant Attorney General</p> <p>Cristina Correia 188620 Senior Assistant Attorney General 40 Capitol Square SW Atlanta, GA 30334 ccorreia@law.ga.gov 404-656-7063 404-651-9325</p> <p><i>Attorneys for State Defendant</i></p> <p>By: <u>/s/ Bryan P. Tyson</u> Bryan P. Tyson Ga. Bar No. 515411 Taylor English Duma LLP 1600 Parkwood Circle Suite 200 Atlanta, GA 30339 (678) 336-7249 btyson@taylorenghish.com</p> <p><i>Attorneys for Gwinnett County</i></p>
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CERTIFICATE OF SERVICE

I hereby certify that on April 15, 2019 I filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification to all counsel of record in this case.

/s/Sean J. Young_____

Sean J. Young

ACLU of Georgia