

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

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

Plaintiffs,

v.

THE STATE OF GEORGIA,

Defendant.

2022CV372734

Civil Action No. _____

EMERGENCY RELIEF REQUESTED

**PLAINTIFF'S EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER
AND/OR INTERLOCUTORY INJUNCTION**

Pursuant to O.C.G.A. § 9-11-65 and O.C.G.A. § 21-2-385, Plaintiffs Democratic Party of Georgia, Inc., DSCC, and Warnock for Georgia hereby move this Court for an emergency temporary restraining order and/or interlocutory injunction, with an accompanying memorandum of points and authorities filed contemporaneously and a proposed order granting the relief requested herein. Plaintiff requests that the Court consider this Emergency Motion on an expedited basis. This Emergency Motion asks the Court for an order declaring that O.C.G.A. § 21-2-385(d)(1) does not prohibit counties from conducting advance voting on November 26 and enjoining Defendant and its agents from interfering in counties' efforts to do so. The date in question is quickly approaching. Providing full statutorily-defined advance voting access is crucial to Plaintiffs' missions and will ensure that more Georgia voters are enfranchised.

Defendant's failure to comply with the Georgia Election Code limits the ability of Plaintiffs' members to cast their votes in the runoff election.

WHEREFORE, Plaintiffs request that this Court:

- a. Issue an order declaring that O.C.G.A. § 21-2-385(d)(1) does not prohibit counties from conducting in-person advance voting on November 26;
- b. Issue an order enjoining Defendant State of Georgia through any of its agents, including Secretary of State Brad Raffensperger, from instructing counties that they may not provide advance voting on Saturday, November 26, 2022, or from interfering in any effort by counties to provide advance voting on Saturday, November 26, 2022, or from taking any action to prevent votes cast during advance voting on November 26 from being counted and included in the certified election results;
- c. Issue an order enjoining Defendant State of Georgia through any of its agents, including the State Elections Board, from taking any action against any county based on the county offering Saturday voting in advance of a general election runoff;
- d. Issue an order enjoining Defendant State of Georgia through any of its agents, including Secretary of State Brad Raffensperger and the State Elections Board, from interfering in any effort by the counties to provide advance voting on Saturday, November 26 due to any failure by the board of registrars to comply with the requirement in O.C.G.A. § 21-2-385(d)(3) to publish the date, time, and locations of the availability of advance voting in its jurisdiction at least seven days prior to November 26;
- e. Grant such other and further relief as the Court deems necessary, appropriate, and equitable.

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

KREVOLIN & HORST, LLC

/s/Adam M. Sparks

Joyce Gist Lewis
Georgia Bar No. 296261
Adam M. Sparks
Georgia Bar No. 341578
One Atlantic Center
1201 W. Peachtree Street, NW, Ste. 3250
Atlanta, GA 30309
Telephone: (404) 888-9700
Facsimile: (404) 888-9577
jlewis@khalawfirm.com
sparks@khalawfirm.com

Uzoma N. Nkwonta*
Christopher D. Dodge*
Daniel C. Osher*
Graham White*
Marcos Mocine-McQueen*

ELIAS LAW GROUP LLP

10 G St. NE, Suite 600
Washington, D.C. 20002
Telephone: (202) 968-4490
Facsimile: (202) 968-4498
unkwonta@elias.law
cdodge@elias.law
dosher@elias.law
gwhite@elias.law
mmcqueen@elias.law

** Pro Hac Vice application forthcoming
Counsel for Plaintiffs*