

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

DEBORAH GONZALEZ, APRIL)	
BOYER BROWN, LINDA LLOYD,)	
ADAM SHIRLEY, and ANDREA)	
WELLNITZ,)	
)	
Plaintiffs;)	CIVIL ACTION FILE NO.:
)	
vs.)	1:20-CV-2118-MHC
)	
BRIAN KEMP, GOVERNOR OF THE)	
STATE OF GEORGIA, and)	
BRAD RAFFENSPERGER,)	
SECRETARY OF STATE,)	
STATE OF GEORGIA,)	
)	
Defendant.)	

PROPOSED JOINT ORDER

Plaintiffs¹ Deborah Gonzalez, April Boyer Brown, Linda Lloyd, Adam Shirley, and Andrea Wellnitz, and Defendants² Brian Kemp, Governor of the State of Georgia, and Brad Raffensperger, Secretary of State of the State of Georgia,

¹ Defendants submit this Proposed Joint Order with Plaintiffs' express consent.

² In submitting this proposed Joint Order pursuant to this Court's commands in its July 2, 2020, order, Defendants seek solely to comply with the requirement of the Court's order to provide guidance as to the mechanism and procedure for conducting a Special Election for the District Attorney for the Western Judicial Circuit on November 3, 2020, should this Court's order remain in force and effect. In so doing, Defendants do not consent to the grant of preliminary injunctive relief, nor do they waive any right to appeal or otherwise seek relief from the Court's July 2, 2020, order.

submit this proposed joint order as directed by the Court in its July 2, 2020, order granting preliminary injunctive relief against Defendants (Doc. 22).

The parties agree that the following procedure would govern the conduct of any special election for the District Attorney for the Western Judicial Circuit on November 3, 2020:

1. The Secretary of State shall issue a call for the special election for the District Attorney for the Western Judicial Circuit no later than August 5, 2020.
2. Qualifying for candidates for the District Attorney for the Western Judicial Circuit will take place on August 12, 2020 from 9:00 a.m. to 5:00 p.m., August 13, 2020 from 9:00 a.m. to 5:00 p.m., and August 14, 2020 from 9:00 a.m. to 1:00 p.m.
3. Qualifying will be conducted at:

Elections Division
Suite 802, West Tower
2 Martin Luther King Drive, S.E.
Atlanta, GA 30334
404-656-2871
4. Qualifying fees for the District Attorney position will be \$3,674.20. In the event that the Court's Order of July 2, 2020, is reversed or vacated, or if a Special Election for the District Attorney of the Western Judicial Circuit is not conducted for any other reason, Defendant Raffensperger is

hereby instructed to refund any qualifying fees that have been accepted by the Secretary of State's office from candidates seeking to qualify for a November 3, 2020, Special Election for the position of District Attorney for the Western Judicial Circuit.

5. Upon the close of qualifying, Defendant Raffensperger shall provide the Elections Supervisors for Clarke and Oconee Counties with the names of all candidates that have been duly qualified for inclusion on the November 3, 2020, ballot for a Special Election for the District Attorney of the Western Judicial Circuit.
6. The Special Election will be performed as follows: a) pursuant to O.C.G.A. §21-2-541(b), the name of the office and the candidates shall be included on the ballot for the November 3, 2020 general election in the position where such names would ordinarily appear if such contest were a general election; b) pursuant to O.C.G.A. ¶ 21-2-540 (e), candidates shall be listed alphabetically on the ballot and may choose to designate on the ballot their party affiliation and the party affiliation selected by a candidate shall not be changed following the close of qualifying; c) pursuant to O.C.G.A. § 21-2-501 (a)(1), if no candidate receives a majority of the votes cast, a special election runoff between the candidates receiving the two highest numbers of votes shall be held; d)

pursuant to O.C.G.A. ¶ 21-2-501(a)(4), the special election runoff, if applicable, shall be held on December 1, 2020, the twenty-eighth day after the holding of the preceding general election.

Respectfully submitted,

CHRISTOPHER M. CARR 112505
Attorney General

BRYAN K. WEBB 743580
Deputy Attorney General

RUSSELL D. WILLARD 760280
Senior Assistant Attorney General

/s/Elizabeth T. Young
ELIZABETH T. YOUNG 707725
Assistant Attorney General

MILES C. SKEDSVOLD 371576
Assistant Attorney General

Georgia Department of Law
40 Capitol Square SW
Atlanta, GA 30334
eyoung@law.ga.gov
404-651-6102

Attorneys for Defendants

**Certificate of Service and of Compliance
With L.R. 5.1(C)**

I hereby certify that this filing conforms to the requirements of L.R.

5.1(C). This filing is written in 14 point Times New Roman font.

I hereby certify that on July 16, 2020, I electronically filed this Proposed Order with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to the following attorneys of record:

Bruce P. Brown
BRUCE P. BROWN LLC
1123 Zonolite Rd. NE
Suite 6
Atlanta, GA 30306

This 16th day of July, 2020.

/s/Elizabeth T. Young
ELIZABETH T. YOUNG 707725
Assistant Attorney General