

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

MAJORITY FORWARD; and GAMALIEL
WARREN TURNER, SR.,

Plaintiffs,

v.

BEN HILL COUNTY BOARD OF
ELECTIONS; CINDI DUNLAP, in her official
capacity as Ben Hill County Elections
Supervisor and Chief Registrar; THOMAS
GREEN, in his official capacity as MEMBER
of the Ben Hill County Board of Elections;
DAVID WALKER, in his official capacity as
MEMBER of the Ben Hill County Board of
Elections; DANNY YOUNG, in his official
capacity as MEMBER of the Ben Hill County
Board of Elections; GUDRUN MILLS, in his
official capacity as MEMBER of the Ben Hill
County Board of Elections; PENSON
KAMINSKY, in his official capacity as
MEMBER of the Ben Hill County Board of
Elections; MUSCOGEE COUNTY BOARD
OF ELECTIONS AND REGISTRATION;
NANCY BOREN, in her official capacity as
Muscogee County Director of Elections &
Registration; MARGARET JENKINS, in her
official capacity as MEMBER of the Muscogee
County Board of Elections and Registration;
UHLAND ROBERTS, in his official capacity
as MEMBER of the Muscogee County Board
of Elections and Registration; DIANE
SCRIMPSHIRE, in her official capacity as
MEMBER of the Muscogee County Board of
Elections and Registration; LINDA PARKER,
in her official capacity as MEMBER of the
Muscogee County Board of Elections and
Registration; and ELEANOR WHITE, in her
official capacity as MEMBER of the Muscogee
County Board of Elections and Registration,

Defendants.

Case No. 1:20-cv-00266-LAG

PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER

Pursuant to Federal Rule of Civil Procedure 65(b), Plaintiffs MAJORITY FORWARD, and GAMALIEL WARREN TURNER, SR. (collectively, “Plaintiffs”), for the reasons set forth herein and in the memorandum of law filed concurrently with this motion, and as supported by the materials submitted therewith, respectfully move for a temporary restraining order enjoining Defendants from preventing challenged voters in Ben Hill and Muscogee Counties (“Targeted Voters”) from casting regular ballots due to untimely mass challenges based solely on National Change of Address (“NCOA”) data that cannot possibly provide grounds for probable cause.

A temporary restraining order is warranted here because Plaintiffs are likely to succeed on the merits of their claims. Defendants’ decision to entertain these challenges violates Section 8(d) of the National Voter Registration Act because Defendants have not followed the carefully tailored procedures required to question a voter’s eligibility based on a suspected change of residency. *See* 52 U.S.C. § 20507(d). Defendants have also violated Section 8(c) of the National Voter Registration Act, which preclude mass challenges to voter eligibility within 90 days of a federal election. *See* 52 U.S.C. § 20507(c). Further, Defendants’ actions severely burden the right to vote without justification in violation of the First and Fourteenth Amendments. *Burdick v. Takushi*, 504 U.S. 428, 434 (1992) (quoting *Anderson v. Celebrezze*, 460 U.S. 780, 789 (1983)).

Moreover, Plaintiffs will suffer irreparable injury without an injunction. *Obama for Am. v. Husted*, 697 F.3d 423, 436 (6th Cir. 2012); *League of Women Voters of Fla. v. Browning*, 863 F. Supp. 2d 1155, 1167 (N.D. Fla. 2012). And the balance of equities and the public interest favor an injunction. *United States v. Georgia*, 892 F. Supp. 2d 1367, 1377 (N.D. Ga. 2012); *Democratic Exec. Comm. v. Lee*, 915 F.3d 1312, 1327 (11th Cir. 2019).

Accordingly, Plaintiffs request that the Court issue a temporary restraining order (1) enjoining Defendants from removing any Targeted Voters from the registration lists on the basis of NCOA data; (2) enjoining Defendants from preventing any Targeted Voters from casting a regular ballot in the January 5, 2021 runoff elections on the basis of NCOA data; (3) enjoining Defendants from requiring any Targeted Voters to cast a provisional ballot or to present any additional evidence of eligibility on the basis of NCOA data; (4) requiring Defendants to make reasonable efforts to inform all Targeted Voters of the terms of the restraining order; and (5) granting Plaintiffs such other and further relief that the Court deems necessary and proper.

Dated: December 27, 2020

Respectfully submitted,

/s/ Adam M. Sparks

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**Pro hac vice applications forthcoming*

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CERTIFICATE OF SERVICE

I hereby certify that on December 27, 2020, I caused a copy of the foregoing documents to be 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, and by electronic mail to the following:

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Dated: December 27, 2020.

/s/ Adam M. Sparks
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