

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

GEORGIA STATE CONFERENCE OF
THE NAACP, as an organization;
ASIAN AMERICANS ADVANCING
JUSTICE-ATLANTA, INC., as an
organization; and GEORGIA
COALITION FOR THE PEOPLES’
AGENDA, INC., as an organization;

Plaintiffs,

v.

BRIAN KEMP, in his official capacity as
Secretary of State for the State of
Georgia,

Defendant.

Civil Action

Case No. _____

**EXPEDITED
CONSIDERATION
REQUESTED**

**ORAL ARGUMENT
REQUESTED**

**PLAINTIFFS’ EMERGENCY MOTION FOR
PRELIMINARY INJUNCTION**

1. Pursuant to Rule 65 of the Federal Rules of Civil Procedure and for the reasons set forth in Plaintiffs’ Memorandum of Points and Authorities in Support, Plaintiffs Georgia State Conference of the NAACP, the Georgia Coalition for the People’s Agenda, Inc., and Asian Americans Advancing Justice-Atlanta, Inc. (collectively, “Plaintiffs”) respectfully move the Court for a preliminary injunction enjoining the Defendant, Georgia Secretary of State Brian

Kemp, from enforcing a discriminatory policy that will otherwise prevent thousands of eligible Georgia residents from voting on November 8. Specifically, Plaintiffs request that pending final judgment of this case on the merits this Court order that Defendants:

- (a) discontinue the practice of automatically cancelling the registration status of applicants previously placed into pending status who fail to remedy the mismatch or discrepancy within forty days of the issuance of the notification letter;
- (b) permit all applicants whose registration applications have not been fully processed or have been cancelled as a result of the Georgia voter registration verification protocol to cast a regular ballot during the early voting period and on Election Day if they present appropriate ID; and
- (c) maintain, preserve, and not destroy any and all records relating to the Georgia voter registration verification program.

2. Plaintiffs have submitted a brief detailing the bases for granting such relief and attach the following evidence in support this motion:

- i. Exhibit 1 – the declaration of Francys Johnson, President of Plaintiff the Georgia State Conference of the National Association for the Advancement of Colored People, who describes Georgia's

administrative procedures for processing voter registration applications and the effects of those procedures upon members and/or benefactors of her organization;

- ii. Exhibit 2 – the declaration of Helen Butler, Executive Director of Plaintiff the Georgia Coalition for the Peoples’ Agenda, who describes Georgia’s administrative procedures for processing voter registration applications and the effects of those procedures upon members and/or benefactors of her organization;
- iii. Exhibit 3 – the declaration of Stephanie Cho, Executive Director of Plaintiff Asian Americans Advancing Justice-Atlanta, who describes Georgia’s administrative procedures for processing voter registration applications and the effects of those procedures upon members and/or benefactors of her organization;
- iv. Exhibit 4 – the declaration and report of Gary Bartlett who opines regarding the burdens created by Georgia’s administrative procedures for processing voter registration applications and the racially discriminatory effects of that process and to whose report exhibits supporting his opinions are attached;

- v. Exhibit 5 – the declaration and report of Christopher Brill who opines regarding the burdens created by Georgia’s administrative procedures for processing voter registration applications and the racially discriminatory effects of that process;
- vi. Exhibit 6 – the declaration and report of Dr. Michael McDonald who opines regarding the burdens created by Georgia’s administrative procedures for processing voter registration applications and the racially discriminatory effects of that process;
- vii. Exhibit 7 – the declaration of Amos Amodau Boadai, a voter registration applicant, whose application was rejected due to the administrative process at issue in this action;
- viii. Exhibit 8 – the declaration of Julie Houk, Senior Special Counsel for the Voting Rights Project of the Lawyers’ Committee for Civil Rights Under Law, who describes her negotiations with the Secretary of State and to which documentary evidence of those negotiations is attached.
- ix. Exhibit 9 – excerpts from a deposition of Merritt Beaver taken under Federal Rule of Civil Procedure 30(b)(6); and
- x. Exhibit 10 – the declaration of Elton Garcia-Castillo, a voter

registration applicant, whose application was rejected due to the administrative process at issue in this action.

3. Plaintiffs request expedited consideration of this motion for a preliminary injunction pursuant to Local Rule 7.1. Expedited consideration is necessary because the voter registration deadline and election are fast approaching: Georgia's voter registration deadline for the upcoming 2016 general election is October 11, 2016, and Election Day is November 8, 2016. Plaintiffs seek to ensure that eligible voter registration applicants are able to vote in the upcoming presidential election without being subject to an illegal, discriminatory precondition to voting.

4. Plaintiffs respectfully request that the Court set this motion for a hearing and/or permit oral argument.

Dated: September 14, 2016 Respectfully submitted,

By: /s/ James W. Cobb

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CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of September, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and have caused a copy to be delivered to the Secretary of State by hand-delivery at:

Brian Kemp
Georgia Secretary of State and Chief Election Official
c/o Sam Olens, Attorney General
Office of the Attorney General
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/s/ James W. Cobb
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