

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

**THE DEMOCRATIC PARTY OF
GEORGIA, INC., et al.,**

Plaintiffs,

vs.

ROBYN A. CRITTENDEN, et al.

Defendants.

**CIVIL ACTION FILE NO.
1:18-CV-5181-SCJ**

**DEKALB BOARD OF ELECTIONS' RESPONSE TO PLAINTIFFS'
EMERGENCY MOTION FOR PRELIMINARY INJUNCTION**

DEFENDANTS DeKalb County Board of Registrations and Elections, and members Michael Coveny, Anthony Lewis, Leona Perry, Samuel Tillman, and Baoky Vu¹ (“DeKalb Board of Elections”) respond to the **Plaintiffs’ Emergency Motion for Preliminary Injunction** as follows:²

Plaintiffs have separately filed a Complaint for Declaratory and Injunctive Relief [Doc. 4]. Plaintiffs next filed an Emergency Motion for Preliminary Injunction.³ The DeKalb Board of Elections has conducted the

¹ These Defendants have not been served, to counsel’s knowledge, and do not waive any defenses by responding to the Emergency Motion.

² By filing this response, the DeKalb Board of Elections does not concede that it is a representative of any “class” of Defendants.

³ Some of the relief sought by Plaintiff in their Emergency Motion may have been addressed in the November 13, 2018 Order in *Common Cause of Georgia v. Kemp*,

November 6, 2018 general election in compliance with state law. Specifically, Georgia provides:

the General Assembly may by local Act create a board of elections and registration in any county of this state and empower the board with the powers and duties of the election superintendent relating to the conduct of primaries and elections and with the powers and duties of the board of registrars relating to the registration of voters and absentee-balloting procedures.

O.C.G.A. § 21-2-40. The election superintendent is charged with receiving “the returns of all primaries and elections, to canvass and compute the same, and to certify the results thereof to such authorities as may be prescribed by law.”

O.C.G.A. § 21-2-70(9).⁴ The Board of Elections has abided by, and will continue to abide by, Georgia law in its conduct of regulating and certifying the November 6, 2018 general election results.

The Board of Elections will continue to fulfill its duties in compliance with state law and any order issued by this Court. The DeKalb Board of Elections is committed to ensuring that every election in DeKalb County is conducted fairly and in compliance with law. Every valid vote needs to be counted and the DeKalb Board of Elections is committed to making sure its elections are conducted accurately.

Should this Court issue an order that extends statutory deadlines for accepting evidence curing provisional ballots, these Defendants request that any such order provide the Defendants with at least 24 hours thereafter to certify the election results, in the interest of maximizing the accuracy of such results.

Respectfully submitted this 13th day of November, 2018.

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/s/ R. David Ware
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⁴ With respect to Plaintiffs' substantive legal arguments, these Defendants will address same in their Answer to the Complaint.

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Registration and Elections

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CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2018, I electronically filed the foregoing **RESPONSE TO MOTION FOR PRELIMINARY INJUNCTION** with the CM/ECF system which will send electronic notification to all counsel of record.

/s/R. David Ware

R. David Ware

Georgia Bar No. 737756