

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

DEMOCRATIC PARTY OF GEORGIA,
INC., DSCC, and DCCC,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his official
capacity as SECRETARY OF STATE OF
GEORGIA; REBECCA N. SULLIVAN,
DAVID J. WORLEY, SETH HARP, and
ANH LE, in their official capacities as
Members of the Georgia State Election
Board; and STEPHEN DAY, JOHN
MANGANO, ALICE O'LENICK, BEN
SATTEFIELD, and BEAUTY
BALDWIN, in their official capacities as
Members of the Gwinnett County Board of
Registration and Elections,

Defendants.

Civil Action File No.
1:19-cv-5028-WMR

Settlement Agreement

The purpose of this agreement is to settle all claims between Plaintiffs Democratic Party of Georgia, Inc., DSCC, and DCCC (“Plaintiffs”) and Stephen Day, John Mangano, Alice O’Lenick, Ben Satterfield, and Beauty Baldwin (“Gwinnett Defendants”) in the above-captioned matter. Specifically, Count Six of Plaintiffs’ Amended Complaint alleges that Gwinnett Defendants’ absentee

ballot envelope design violates the First and Fourteenth Amendment by unduly burdening the right to vote. ECF No. 30 at 43-45. Gwinnett Defendants respond that their absentee-ballot envelope design does not unduly burden the right to vote.

By entering into this agreement, Plaintiffs do not concede that the challenged absentee ballot envelope design is constitutional. Similarly, by entering into this agreement, Gwinnett Defendants do not concede that the challenged absentee ballot envelope design is constitutionally defective.

To avoid the burden, delays, uncertainties of litigation, and to efficiently and expeditiously promote the Parties' shared goal of ensuring that Georgia's voters are afforded the rights guaranteed under the Constitution, the Parties consent to the terms of this agreement.

1) Gwinnett Defendants shall adopt the absentee ballot envelope design substantially in the form attached hereto as Exhibit 1 for use in the November 3, 2020 General Election. Unless otherwise required by federal, state, or other applicable law, Gwinnett Defendants will continue to use the agreed ballot envelope design, or an improved design, for all future elections after November 3, 2020. Any changes made to the agreed design after November 3, 2020 will be made in good faith and in the spirit of this agreement.

2) In exchange for Gwinnett Defendants' agreement, described in Paragraph 1, Plaintiffs agree to voluntarily dismiss Count VI as alleged against Gwinnett Defendants in the First Amended Complaint.

3) The Parties agree that each party shall bear its own costs and fees incurred in bringing or defending this action, and that neither Party shall have a claim upon the other for fees or costs incurred in this action.

The Parties acknowledge agreement by signing below:

Dated: March 6, 2020

By: /s/ Bruce V. Spiva

By: /s/ Bryan P. Tyson

Marc E. Elias*
Bruce V. Spiva*
John Devaney*
Amanda R. Callais*
K'Shaani Smith*
Emily R. Brailey*

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Counsel for Gwinnett Defendants

**Admitted Pro Hac Vice*

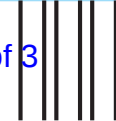
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Counsel for Plaintiffs

RETRIEVED FROM DEMOCRACYDOCKET.COM

Exhibit 1

RETRIEVED FROM DEMOCRACYDOCKET.COM



FROM/DE:



PLACE \$X.XX IN
STAMPS HERE.

COLOQUE \$ X.XX EN
SELLOS AQUI.

OFFICIAL ABSENTEE BALLOT
BOLETA OFICIAL DE VOTO AUSENTE

BOARD OF REGISTRARS
JUNTA DE REGISTRADORES

455 Grayson Highway
Suite 200
Lawrenceville, GA 30046
USA

RETRIEVED FROM DEMOCRACY DOCKET.COM

STOP BEFORE YOU SEAL THIS ENVELOPE, YOU MUST DO THE FOLLOWING:

- Place your ballot in white envelope and seal.
- Sign the oath.
- Have you affixed sufficient postage?

DETÉNGASE ANTES DE SELLAR ESTE SOBRE, DEBE HACER LO SIGUIENTE:

- Coloque su boleta en el sobre blanco y selle.
- Firma el juramento.
- ¿Ha colocado franqueo suficiente?

OATH OF ELECTOR

I, the undersigned, do swear (or affirm)

- I am a citizen of the United States and of the State of Georgia.
- I possess the qualifications of an elector required by the laws of the State of Georgia.
- I am entitled to vote in the precinct containing my residence in the primary or election in which this ballot is to be cast.
- I am eligible to vote by absentee ballot.
- I have not marked or mailed any other absentee ballot, nor will I mark or mail another absentee ballot for voting in such primary or election; nor shall I vote therein in person.
- I have read and understand the instructions accompanying this ballot.
- I have carefully complied with such instructions in completing this ballot.

I understand that the offer or acceptance of money or any other object of value to vote for any particular candidate, list of candidates, issue, or list of issues included in this election constitutes an act of voter fraud and is a felony under Georgia law.

SIGN HERE

SIGNATURE OR MARK OF ELECTOR

PRINTED NAME OF ELECTOR

DATE

Oath of Person Assisting Elector (if any): I, the undersigned, do swear (or affirm) that I assisted the above-named elector in marking such elector's absentee ballot as such elector personally communicated such elector's preference to me; and that such elector is entitled to receive assistance in voting under provisions of subsection (a) of Code Section 21-2-409.

This, the _____ day of _____, 20_____

Reason for Assistance (Check appropriate square):

- Elector is unable to read the English Language
- Elector requires assistance due to physical disability.

SIGNATURE OF PERSON ASSISTING ELECTOR

PRINTED NAME OF PERSON ASSISTING ELECTOR

DATE

Georgia law provides that any person who knowingly falsifies information so as to vote illegally by absentee ballot or who illegally gives or receives assistance in voting, as specified in Code Section 21-2-568 or 21-2-573, shall be guilty of a felony.

THIS BOX IS FOR OFFICE USE ONLY.

DATE RECEIVED

TIME RECEIVED

CERTIFIED AND APPROVED (SIGNATURE OF REGISTRAR)

JURAMENTO DEL VOTANTE

Yo, el abajo firmante, juro (o afirmo) que

- Soy ciudadano de los Estados Unidos y del estado de Georgia
- Que poseo los requisitos de un votante exigidos por las leyes del estado de Georgia;
- Que tengo derecho a votar en el distrito electoral que contiene mi residencia en las primarias o en las elecciones en que se usará este voto
- Que soy elegible para realizar un voto en boleta de voto ausente
- Que no he marcado ni enviado por correo ninguna otra boleta de voto ausente, ni marcaré o enviaré por correo otra boleta de voto ausente para votar en dichas primarias o elecciones, ni votaré en ellas personalmente.
- Y que he leído y entendido las instrucciones que acompañan este voto
- Y que he seguido cuidadosamente esas instrucciones al completar esta votación.

Entiendo que la oferta o aceptación de dinero o cualquier otro objeto de valor para votar por un candidato en particular, una lista de candidatos, una cuestión o una lista de cuestiones incluidas en esta elección constituye un acto de fraude electoral y es un delito grave conforme a la ley de Georgia.

FIRMAR AQUI

FIRMA O MARCA DEL VOTANTE

NOMBRE IMPRESO DEL VOTANTE

FECHA

Juramento de la persona que asiste al votante (si corresponde): Yo, el abajo firmante, juro (o afirmo) que ayudé al votante antes mencionado a marcar la boleta de voto ausente, ya que dicho votante me comunicó personalmente su preferencia; y que ese votante tiene derecho a recibir asistencia en la votación de conformidad con lo dispuesto en el inciso (a) del artículo 21-2-409 del Código.

A los _____ día de _____, de 20_____

Motivo de la asistencia (marcar la casilla correspondiente):

- El votante no puede leer el idioma inglés
- El votante requiere asistencia debido a una discapacidad física.

FIRMA DE LA PERSONA QUE ASISTE AL VOTANTE

NOMBRE IMPRESO DE LA PERSONA QUE ASISTE AL VOTANTE

FECHA

La legislación de Georgia dispone que toda persona que a sabiendas falsifique información para votar ilegalmente por boleta de voto ausente o que preste o reciba asistencia para votar ilegalmente, según se especifica en los artículos 21-2-568 o 21-2-573 del Código, será culpable de un delito grave.